

Acts and Joint Resolutions

OF THE

GENERAL ASSEMBLY

OF THE

State of South Carolina

REGULAR SESSION OF 1966

AND

EXTRA SESSION OF 1965-66

Second Part

of Fifty-fourth Volume of Statutes at Large

(The Acts and Joint Resolutions of 1965
Constituted First Part)

PRINTED UNDER DIRECTION OF
LEWIE GRIFFITH MERRITT
CODE COMMISSIONER

NOTICE

The following acts were passed during the 1966 regular session of the General Assembly and are presently in the hands of the Governor:

(R1269, S762) An Act To Provide For The Election Of The County Auditor And County Treasurer In Hampton County And To Provide For Their Terms Of Office.

(R1284, S798) An Act To Provide A System Of County Government For Dorchester County And To Define Its Powers And Duties.

(R1293, S754) An Act To Amend Section 65-1572, Code Of Laws Of South Carolina, 1962, Providing Certain Tax Exemptions For Manufacturing Plants In York County, So As To Further Provide Therefor.

(R1364, H2242) An Act To Amend Act No. 726 Of 1964, As Amended, Providing For A Board Of Road Commissioners And A Board Of Administrators For Richland County, So As To Devolve To The Board Of Administrators The Power To Make Appropriations And Levy Taxes For County And Educational Purposes; To Provide No Legislative Action Shall Be Necessary For The Execution Of Such Provisions; To Provide For Appropriations And Tax Levies When Not Made By The Board Of Administrators; To Provide For The Handling Of County Funds; And To Amend Section 14-3206, Code Of Laws Of South Carolina, 1962, Providing For Clerical Help For Richland County, So As To Delete The Provision That The General Assembly Provide For Such Help; To Provide For The Office Of The Richland County Legislative Delegation; To Provide That Sections 14-15 and 14-207, Code Of Laws Of South Carolina, 1962, Relating To The Submission Of Estimate Of County Expenses To The General Assembly And The Filing Of Claims By The County Board Of Commissioners, Shall Not Apply To Richland County; And To Provide For A Data Processing Section Under The Jurisdiction Of The County Board Or Administrators.

In the parentheses to the left of the permanent numbers are two numbers of which this is an example: (R28, H1150). The first number is preceded by R in every instance, and the second number by either H or S. The R indicates the Ratification Number of the act; the H the House Number as a Bill and the S the Senate Number as a Bill.

Also published herein are rules and regulations issued pursuant to general and permanent laws and which have been filed in the office of the Secretary of State.

LEWIE GRIFFITH MERRITT,
Code Commissioner.

Columbia, S. C.
August, 1966.

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- Necessary Additional Personnel; To Fix Provisions For The Inclusion Of The City Of Greenville Under Terms Of This Act; To Provide For Salaries And Expenses For The Proper Operation And Maintenance Of The Board And Department; And To Provide For Monthly Meetings Of The County Board Of Health.—P. 2368.
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987. AN ACT To Amend Section 21-412.1, Code Of Laws Of South Carolina, 1962, Relating To Alcohol Education Week, So As To Provide That Each Public School Shall Designate A Week For Such Observance.—P. 2390.
988. AN ACT To Regulate The Business Of Lending Money In Amounts Of Seventy-five Hundred Dollars Or Less, As Defined; To Define Such Business And Provide Exemptions; To Require Licensing Of Persons Engaged In Such Business; To Prescribe The Maximum Rates Of Charges Which Licenses Are Permitted To Make On Loans Of Seventy-five Hundred Dollars Or Less; To Provide For The Administration And Enforcement Of This Act; To Authorize The Making Of Examinations And Investigations; To Provide For A Review Of Administrative Acts; To Prescribe Penalties; To Provide For Reasonable Insurance On The Personal Property, Life And Earning Capacity Of The Borrower, And To Authorize The South Carolina Insurance Commission To Determine Rates To Be Charged On Any Accident And Health Insurance Sold In Connection With This Act; And To Repeal Chapter 9, Title 8, Code Of Laws Of South Carolina, 1962, Relating To The Licensing Of Small Loan Companies.—P. 2391.
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994. AN ACT To Make Appropriations To Meet The Ordinary Expenses Of The State Government For The Fiscal Year Beginning July 1, 1966; To Regulate The Expenditure Of Funds Therefor; For Borrowing Money; Further Relating To The Operation Of The State Government During The Fiscal Year 1966-67; And To Enact As Permanent Laws Of The State Of South Carolina Measures To Amend The 1962 Code Of Laws Of South Carolina As Follows: To Amend Section 65-73 Relating To Gross Receipts Records Of The Tax Commission; To Amend Section 15-103 So As To Increase The Compensation Of Justices Of The Supreme Court; To Amend Section 15-212 So As To Increase The Compensation Of Circuit Judges; To Amend Section 1-102 So As To Increase Compensation Of The Governor; To Amend Section 1-131 So As To Fix The Salary Of The Lieutenant Governor; To Amend Section 21-258 So As To Substitute A Revised Schedule Of State Aid For Teachers' Salaries; To Amend Section 30-52.1 Relating To Subsistence Expenses Of Members Of The General Assembly; To Amend Section 37-80 Et Seq., So As

- To Transfer The Duties And Responsibilities Of The State Fire Marshal To The State Budget And Control Board; To Amend Section 65-1064.2 By Extending The Tax Exemption On Gasoline Used In School Buses To Bus Service Vehicles; To Amend Section 21-451 Et Seq., So As To Place The State Schoolbook Commission Under The Direction Of The State Board Of Education; To Amend Section 21-52 Et Seq., So As To Place The Educational Finance Commission Under The Direction Of The State Board Of Education; To Amend Section 61-47 So As To Allow A Class One Employer To Become A Class Two Employer Under Certain Conditions; To Amend Section 61-211 By Extending The Provisions For Supplemental Retirement Benefits Of Certain Persons; To Amend Section 51-2.5 Relating To Public Use Of State Parks; To Amend Section 21-261 So As To Increase The Amount Allowed School Districts For Maintenance And Operation; To Amend Sections 1-781 And 1-782 By Increasing The Amount Of The General Fund Reserve To \$6,000,000.00; To Amend Sections 46-154 Et Seq., Relating To Minimum Age For Issuance Of Drivers Licenses And Permits; And To Enact Additional Permanent Laws Relating To (1) Driver Training, To Be Made Mandatory In The Public Schools After July 1, 1968; (2) Increased Compensation Of Constitutional Officers Beginning With The Term Following The 1966 General Election; (3) Amending Act 799 Of 1962 Relating To The South Carolina Police Officers Retirement System So As To Provide Supplemental Retirement Benefits; (4) Further Amending Act 799 Of 1962 So As To Extend The Final Date By Which Applications For Admission To The Police Officers Retirement System May Be Received; And (5) Amending Act No. 748 Of The 1962 Acts So As To Further Define Domestic Wine.—P. 2424.
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998. AN ACT To Create A Committee To Control The Disposition Of Tax Executions Returned Nulla Bona In Richland County; To Require The Tax Collector To Deliver Certain Tax Executions To The Committee; To Amend Section 65-2797, Code Of Laws Of South Carolina, 1962, Providing For The Annual Examination Of Tax Executions By The Grand Jury, So As To Exclude Richland County From The Provisions Thereof And To Amend Sections 65-2041 And 65-2042 Of The 1962 Code, Relating To The Quarterly Payment Of Delinquent Taxes In Richland And Spartanburg Counties, So As To Delete Richland County From The Provisions Thereof.—P. 2570.
999. AN ACT To Amend Article 5, Chapter 25 Of Title 65, Code Of Laws Of South Carolina, 1962, As Amended, Relating To The Charleston County Board Of Assessors, So As To Abolish Such Board And Establish An Assessment And Equalization System For Taxation Of Property In Charleston County; To Create A Board Of Assessment Control And A Board Of Assessment Appeals And Provide For Their Membership, Powers And Duties; And To Provide For A Method Of Tax Appeals.—P. 2573.
1000. AN ACT To Create The Union County-City Carnegie Public Library And To Provide For Its Operation.—P. 2577.
1001. AN ACT To Authorize The Advisory Board Of The Juvenile And Domestic Relations Court Of Greenville County To Recommend For Appointment By The

- Governor An Additional Judge Of The Court; To Provide For The Duties And Powers Of The Additional Judge And His Term Of Office.—P. 2579.
1002. AN ACT To Amend The Code Of Laws Of South Carolina, 1962, By Adding Section 15-1115.1, So As To Provide For The Appointment Of A Temporary Judge For The Domestic Relations Court Of The County Of Charleston.—P. 2580.
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1004. AN ACT To Create The Orangeburg County Tax Equalization Board; To Create The Office Of Tax Assessor For Orangeburg County And To Provide For His Term Of Office, Salary, And Powers And Duties; To Establish An Assessment And Equalization System; To Repeal Section 65-1832, Code Of Laws Of South Carolina, 1962, Providing For School District Boards Of Assessors In Orangeburg County; And To Repeal Section 65-1886, Code Of Laws Of South Carolina, 1962, Providing For A Board Of Equalization In Orangeburg County.—P. 2582.
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1008. AN ACT To Authorize The City Of Columbia And Richland County To Consolidate And Coordinate All Of Their Tax Assessing, Billing And Collection Procedures And To Establish The Necessary Forms And Formulate The Necessary Instructions; To Provide That In Richland County Certain Personal Property Not Be Returnable Or Assessed, That Personal Property Of Assessed Value Of Less Than Twenty Dollars Not Be Entered On Tax Duplicate; To Provide Time Taxes Payable And Penalties For Delinquent Taxes; To Repeal Act No. 1007 Of 1964,

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1010. AN ACT To Amend Section 32-1034.25, Code Of Laws Of South Carolina, 1962, Relating To Limitations On Grants For Local Mental Health Programs, So As To Further Provide Therefor.—P. 2593.
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1019. AN ACT To Make Supplemental Appropriations For The Ordinary Operating Expenses Of The State Government For The Fiscal Years 1965-66, 1966-67, For Permanent Improvements, To Further Regulate The Fiscal Operations Of The State Government For 1965-66 And 1966-67, And To Enact As Permanent Laws The Following: To Authorize The Transfer Of Title To The Woodrow Wilson Memorial Home To The Richland County Historic Preservation Commission; To Repeal Chapter 10 Of Title 44, Code Of Laws Of South Carolina 1962; And To Authorize The

- Issuance Of \$2,000,000.00 Of State Notes For Additional Open Circuit Broadcasting Facilities For The Educational Television Commission, And To Amend Sections 61-33, 61-34, 61-51 And 61-54, Code Of Laws Of South Carolina, 1962, As Amended, Relating To Membership And Service In The South Carolina Retirement System, So As To Advance The Date For Withdrawal Of Nonmembership Elections For Obtaining Prior Service Credit And For Membership And To Provide For The Appointment Of A Committee On State Retirement Systems; To Repeal Act No. 927 Of The Acts And Joint Resolutions Of The General Assembly, 1956, Creating A Committee To Study And Report On The Advisable Course To Be Pursued By The State In Respect To Its Educational And Public Facilities In View Of The Federal Court Decisions, And To Amend Section 61-119, Code Of Laws Of South Carolina, 1962, By Extending To June 30, 1967 The Time During Which Out-of-State Service May Be Claimed For Retirement Purposes.—P. 2600.
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1029. AN ACT To Amend Section 70-361, As Amended, Code Of Laws Of South Carolina, 1962, Relating To The Abbeville Water Authority In Abbeville County, So As To Change The Name To Abbeville County Water And Sewage Authority And To Authorize The Authority To Make Plans Relating To Sewage Systems.—P. 2629.

1030. AN ACT To Amend Sections 62-402 Through 62-405, 62-407 And 62-408, Code Of Laws Of South Carolina, 1962, Relating To Gifts Of Securities And Money To Minors, So As To Further Provide Therefor And To Include Life Insurance Policies And Annuity Contracts, And To Amend The Code Of Laws Of South Carolina, 1962, By Adding Section 62-412, So As To Further Provide For The Construction Of The Provisions Of Chapter 2, Title 62.—P. 2629.
1031. AN ACT To Amend Section 2-285, Code Of Laws Of South Carolina, 1962, As Amended, Relating To The Sale Of Property By The Walterboro-Colleton County Airport Commission, So As To Authorize The Commission To Convey Real Property For Use As A Railroad Right Of Way Without First Having The Property Appraised To Establish A Minimum Sales Price, And To Repeal Section 2-287 Of The 1962 Code, Providing Certain Prerequisites To The Sale Of Property By The Commission.—P. 2638.
1032. AN ACT To Amend Section 65-1522, Code Of Laws Of South Carolina, 1962, As Amended, Relating To General Exemptions From Taxes, So As To Exempt Property Of The University Of South Carolina Educational Foundation.—P. 2639.
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1037. AN ACT To Create The South Carolina Recreation Commission.—P. 2653.
1038. AN ACT To Amend Section 19-264.1, Code Of Laws Of South Carolina, 1962, Relating To The Filing Of Wills In Every County Wherein Testator Owned Real Estate, So As To Require A Like Filing Of Certain Documents Relating To Such Real Estate; And To Provide That, In The Case Of Intestate Estates, There Shall Be Filed In The Probate Court Of Every County Wherein The Decedent Owned Real Estate Certain Documents Relating To Such Real Estate.—P. 2657.
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1040. AN ACT To Amend Sections 14-400.621 Through 14-400.624, Code Of Laws Of South Carolina, 1962, Relating To The Regulation Of Building Construction In Any County Containing A City With A Population Of Over Ninety-Seven Thousand, So As To Delete The Provisions Allowing The Issuing Of Buiding Permits By Magistrates And Authorizing The Appointment Of A Building Inspector, And To

- Provide For The Appointment Of A Building Permit Inspector; And To Amend The Code Of Laws Of South Carolina, 1962, By Adding Section 65-3645.7A, So As To Afford The Tax Assessor Of Richlandw County An Opportunity To Appear Before The Board Of Assessment Appeals Upon Appeals.—P. 2659.
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1047. AN ACT To Create The South Carolina Board Of Certification Of Public Water Treatment Plant Operators; To Provide For Its Membership, Powers And Duties; To Provide For And Require The Issuance Of Certificates Of Registration To Operators Of Public Water Treatment Plants; To Provide For The Classification Of Public Water Treatment Plants By The State Health Officer; To Require The Operation Of Public Water Treatment Plants By Registered Operators; And To Provide Penalties For Violations.—P. 2668.
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1054. AN ACT To Amend Section 21-132, Code Of Laws Of South Carolina, 1962, Relating To The Advisory Board Of Education Created For The Monetta-Ridge Spring Attendance Area, So As To Further Provide Therefor; To Provide For The Consolidation Of Certain School Districts In Aiken, Edgefield And Saluda Counties Upon The Condition That The Constitution Of This State Be Amended So As To Permit The Consolidated School District To Incur Bonded Indebtedness In An Amount Not Exceeding Twenty-five Per Cent Of The Assessed Value Of All Taxable Property Therein; To Provide A Governing Body For Such School District And Prescribe Its Duties And Powers.—P. 2691.
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1403. A JOINT RESOLUTION Proposing An Amendment To Section 5 Of Article X Of The Constitution, Relating To The Bonded Indebtedness Of Certain Political Subdivisions, So As To Permit Spartanburg School Districts No. 2 And No. 3 Of Spartanburg County To Incur Bonded Indebtedness Up To Twelve Per Cent Of The Assessed Value Of The Taxable Property Therein, And To Eliminate Consideration Of Such Indebtedness In Determining The Total Amount Of Indebtedness Over And Upon Such Territory.—P. 3703.
1404. A JOINT RESOLUTION Proposing An Amendment To Article II, Section 13 Of The South Carolina Constitution To Permit Elections To Be Held In The City Of Spartanburg Upon The Question Of Incurring Bonded Indebtedness For Any Corporate Purpose Without There Being First Presented To The City Council Of The City Of Spartanburg A Petition Signed By A Majority Of The Freeholders Of The City Seeking And Authorizing The Holding Of Such Elections.—P. 3704.
1405. A JOINT RESOLUTION Proposing An Amendment To Section 5 Of Article X Of The Constitution, Relating To The Bonded Indebtedness Of Certain Political Subdivisions, So As To Permit Spartanburg School District No. 5 Of Spartanburg County To Incur Bonded Indebtedness Up To Twelve Per Cent Of The Assessed Value Of The Taxable Property Therein, And To Eliminate Consideration Of Such Indebtedness In Determining The Total Amount Of Indebtedness Over And Upon Such Territory.—P. 3706.
1406. AN ACT To Amend Act No. 705 Of 1965, Relating To Borrowing Of Funds By School District No. 1 Of Spartanburg County, So As To Allow The Funds To Be Repaid Within Three Years Instead Of Two Years.—P. 3707.
1407. A JOINT RESOLUTION Proposing An Amendment To Section 5 Of Article X Of The Constitution Of South Carolina, 1895, Relating To The Bonded Indebtedness Of Certain Political Subdivisions, So As To Permit Spartanburg School District No. 1 Of Spartanburg County To Incur Bonded Indebtedness Up To Twelve Per Cent Of The Assessed Value Of The Taxable Property Therein, And To Eliminate Consideration Of Such Indebtedness In Determining The Total Amount Of Indebtedness Over And Upon Such Territory.—P. 3708.
1408. AN ACT To Create The Spartanburg County Hospital And Health Facility Planning Commission And Prescribe Its Powers And Duties.—P. 3709.
1409. A JOINT RESOLUTION Proposing An Amendment To Article I, Section 17, Of The Constitution Of South Carolina, 1895, Relating To Criminal Punishment, Double Jeopardy And The Taking Of Private Property, So As To Authorize The General Assembly To Provide By Law That Incorporated Municipalities Or Housing Or Redevelopment Authorities In Spartanburg County May Undertake And Carry Out Slum Clearance And Redevelopment Work And To Provide For The Use Of The Power Of Eminent Domain By The Incorporated Municipalities Or Housing Authorities In Spartanburg County For Such Purposes.—P. 3711.

1410. AN ACT Relating To The Fiscal Affairs Of Spartanburg County, Making Appropriations Therefor, And Levying Taxes For The Fiscal Year Ending June 30, 1967.—P. 3713.
1411. AN ACT To Authorize The Spartanburg County Board Of Control To Issue And Sell Not Exceeding Six Hundred Thousand Dollars Of Coupon Bonds Of Spartanburg County, The Proceeds Thereof To Be Used For The Construction Of Additional Technical Training Facilities In Spartanburg County, And To Provide For A Tax To Pay The Bonds And The Interest Thereon.—P. 3748.
1412. AN ACT To Make Supplemental Appropriations For Spartanburg County For The Fiscal Year 1965-1966 From The General Fund Of The County.—P. 3750.
1413. AN ACT To Authorize The County Board Of Commissioners Of Sumter County To Issue General Obligation Bonds Of Sumter County In The Amount Of Not Exceeding Eight Hundred Thousand Dollars, In Order To Provide Funds For The Construction Of Buildings For A Branch Of Clemson University To Be Located In Sumter County, To Prescribe The Conditions Under Which The Bonds May Be Issued, And To Make Provision For The Payment Of The Bonds.—P. 3752.
1414. AN ACT To Ratify And Affirm A Conveyance From The Sumter County Commission For Higher Education To The City Of Sumter And County Of Sumter.—P. 3756.
1415. AN ACT To Authorize The Trustees Of Sumter County School District No. 17, And The County Treasurer Of Sumter County, To Borrow Not Exceeding One Hundred Forty Thousand Dollars To Be Used For School Purposes, And To Provide For The Payment Of Such Loan.—P. 3756.
1416. AN ACT To Authorize Sumter County To Borrow Not Exceeding Two Hundred Seventy-Five Thousand Dollars For Construction Of A Library And To Provide For Payment Of The Loan.—P. 3757.
1417. AN ACT To Provide For A Levy Of Taxes For School And County Purposes For Sumter County For The Fiscal Year Commencing July 1, 1966; To Direct The Expenditure Thereof; To Fix The Salaries Of Certain Offices; To Provide Judge Of Probate Fees And To Repeal Act No. 1076 Of 1964; To Provide For Certain Expenses By The Master Or Referee; To Amend Act No. 212 Of 1965, So As To Further Provide For Reports Of The Sumter County Library Commission; And For Other County Purposes.—P. 3758.
1418. AN ACT To Extend The Open Season For The Hunting Of Quail In Union County For The Year 1966 Only.—P. 3771.
1419. AN ACT To Amend Act No. 718 Of 1965, Relating To The Sale Of Abandoned School Property In Union County, So As To Authorize The Appointment Of A Committee To Sell Such Property.—P. 3771.
1420. AN ACT To Provide For Terms Of Court In The Sixteenth Judicial Circuit For The Year 1966 Only.—P. 3772.
1421. AN ACT To Appropriate Money For The Ordinary Operating Expenses Of Union County For The Fiscal Year Beginning July 1, 1966, And Ending June 30, 1967, And To Appropriate Money For Certain Other Purposes And To Provide A Tax Levy Therefor.—P. 3773.
1422. AN ACT To Authorize The Williamsburg County Memorial Hospital Board And The County Treasurer To Borrow A Sum Of Money For Hospital Purposes And To Provide For The Payment Of The Loan.—P. 3791.

1423. AN ACT To Provide For The Levy Of Taxes For Williamsburg County For The Fiscal Year Beginning July 1, 1966, And Ending June 30, 1967, And To Provide And Direct The Expenditure Thereof; And To Validate Certain Disbursements, Expenditures And Actions.—P. 3791.
1424. AN ACT To Amend Act No. 919 Of The Acts And Joint Resolutions Of The General Assembly Of South Carolina, 1938, As Amended, Authorizing The Establishment Of A County Hospital For York County And The Operation Thereof, So As To Direct The Disposition Of The Assets Of The Hospital In The Event Of Dissolution.—P. 3799.
1425. AN ACT Making Supplemental Appropriations For York County For The Fiscal Year 1965-1966.—P. 3799.
1426. AN ACT To Authorize The Clerk Of Court Of York County To Transfer Certain Monies.—P. 3800.
1427. AN ACT To Make An Appropriation For York County And To Authorize The Transfer Of Certain Funds.—P. 3800.
1428. AN ACT Making Supplemental Appropriations For York County For The Fiscal Year 1965-1966.—P. 3801.
1429. A JOINT RESOLUTION Proposing An Amendment To Article I, Section 17, Of The Constitution Of South Carolina, 1895, Relating To Criminal Punishment, Double Jeopardy And The Taking Of Private Property, So As To Authorize The Municipalities Of York County To Undertake And Carry Out Slum Clearance And Redevelopment Work And To Provide For The Use Of The Power Of Eminent Domain By The Municipalities Of York County Acting Through Their Municipal Councils Or Any Housing Or Redevelopment Authorities Thereof, To Require That Just Compensation Be Paid For Property And Property Rights Taken Pursuant To Such Use Of The Power Of Eminent Domain, And To Provide That In Cases Of Condemnation For Private Purpose Reuse The Condemnee Shall Have First Opportunity To Purchase The Land When Sold For Reuse.—P. 3802.
1430. AN ACT To Provide For The Levy Of Taxes For York County For The Fiscal Year Beginning July 1, 1966, And Ending June 30, 1967, For School, County And Other Purposes; To Direct The Expenditure Thereof; To Prescribe The Powers, Duties And Authorities Of Various Officials Of The County; To Authorize And Direct The County Treasurer To Transfer Certain Funds; And To Authorize The York County Board Of Directors To Borrow And The York County Sinking Fund Commission To Lend Certain Money And To Provide For The Repayment Thereof.—P. 3804.
1431. A JOINT RESOLUTION To Appoint A Committee In York County To Study The Jail Facilities Of The County.—P. 3820.
1432. AN ACT Making Supplemental Appropriations For York County For The Fiscal Year 1965-1966.—P. 3821.

RATIFICATION NUMBERS

With Act Numbers Assigned

Ratification No.	Act No.	Ratification No.	Act No.
735	731	791	768
736	732	792	1257
737	733	793	1335
738	1413	794	1164
739	734	795	769
740	735	796	770
741	736	797	771
742	737	798	1258
743	738	799	772
744	1134	800	1264
745	1358	801	773
746	739	802	774
747	1242	803	775
748	1424	804	1396
749	740	805	1144
750	741	806	776
751	1188	807	777
752	742	808	1336
753	1291	809	1159
754	1279	810	1307
755	743	811	778
756	744	812	1228
757	745	813	1265
758	746	814	Recalled
759	1395	815	779
760	1334	816	1229
761	747	817	780
762	1414	818	781
763	748	819	1225
764	749	820	782
765	750	821	1329
766	751	822	1141
767	752	823	783
768	753	824	784
769	1178	825	785
770	754	826	1243
771	755	827	1418
772	1292	828	1259
773	1246	829	1269
774	756	830	786
775	1425	831	1376
776	757	832	787
777	1158	833	788
778	758	834	789
779	1166	835	1283
780	759	836	790
781	760	837	1330
782	761	838	791
783	762	839	1347
784	763	840	1160
785	764	841	792
786	1268	842	793
787	765	843	794
788	1422	844	1355
789	766	845	795
790	767	846	1205

Ratification No.	Act No.	Ratification No.	Act No.
847	1293	906	825
848	1377	907	826
849	796	908	1427
850	797	909	827
851	798	910	828
852	1193	911	1250
853	799	912	829
854	800	913	830
855	801	914	831
856	802	915	832
857	803	916	833
858	804	917	834
859	1312	918	1208
860	805	919	1338
861	806	920	1251
862	807	921	1209
863	808	922	835
864	1145	923	1194
865	Recalled	924	1154
866	1206	925	836
867	809	926	837
868	810	927	1369
869	1167	928	1397
870	811	929	1398
871	812	930	838
872	1266	931	839
873	813	932	840
874	814	933	841
875	815	934	842
876	1156	935	843
877	1157	936	844
878	1153	937	845
879	1426	938	846
880	816	939	847
881	1270	940	848
882	817	941	849
883	1179	942	850
884	1337	943	851
885	1271	944	852
886	1272	945	853
887	1273	946	854
888	818	947	855
889	1284	948	856
890	1348	949	857
891	819	950	858
892	1168	951	859
893	820	952	860
894	821	953	861
895	1305	954	1316
896	1226	955	862
897	1390	956	863
898	822	957	1428
899	1146	958	864
900	823	959	865
901	1207	960	866
902	1249	961	867
903	1169	962	1195
904	1202	963	868
905	824	964	869

RATIFICATION NUMBERS

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Ratification No.	Act No.	Ratification No.	Act No.
965	870	1024	910
966	1399	1025	1212
967	1285	1026	1230
968	1419	1027	1182
969	871	1028	911
970	872	1029	912
971	873	1030	1341
972	874	1031	1162
973	875	1032	913
974	1364	1033	1262
975	876	1034	1359
976	877	1035	914
977	878	1036	915
978	1400	1037	1148
979	879	1038	916
980	1401	1039	1365
981	880	1040	917
982	881	1041	918
983	882	1042	1403
984	1274	1043	919
985	883	1044	920
986	884	1045	1231
987	885	1046	1404
988	886	1047	921
989	887	1048	1360
990	888	1049	1361
991	1275	1050	922
992	889	1051	923
993	1402	1052	1200
994	1210	1053	924
995	1211	1054	925
996	1339	1055	1379
997	890	1056	1415
998	891	1057	1416
999	1340	1058	1183
1000	1349	1059	926
1001	892	1060	927
1002	893	1061	928
1003	894	1062	1380
1004	895	1063	1149
1005	896	1064	929
1006	897	1065	1405
1007	1356	1066	1232
1008	898	1067	1213
1009	1244	1068	930
1010	899	1069	1381
1011	900	1070	1370
1012	1317	1071	931
1013	901	1072	932
1014	902	1073	933
1015	903	1074	1184
1016	904	1075	934
1017	905	1076	1382
1018	1147	1077	935
1019	906	1078	936
1020	907	1079	1185
1021	908	1080	937
1022	909	1081	938
1023	1378	1082	1366

Ratification No.	Act No.	Ratification No.	Act No.
1083	1150	1142	1385
1084	1308	1143	1235
1085	939	1144	977
1086	940	1145	978
1087	941	1146	1138
1088	942	1147	1420
1089	943	1148	979
1090	944	1149	980
1091	945	1150	981
1092	946	1151	982
1093	947	1152	983
1094	1286	1153	1137
1095	948	1154	1139
1096	1383	1155	984
1097	1165	1156	985
1098	949	1157	986
1099	950	1158	987
1100	1384	1159	988
1101	951	1160	989
1102	1323	1161	1172
1103	1313	1162	990
1104	1171	1163	991
1105	1180	1164	1143
1106	952	1165	1294
1107	1280	1166	992
1108	1281	1167	993
1109	953	1168	994
1110	954	1169	995
1111	1065	1170	1161
1112	956	1171	996
1113	957	1172	1173
1114	1163	1173	1332
1115	958	1174	1155
1116	959	1175	1287
1117	960	1176	997
1118	1233	1177	1429
1119	1276	1178	998
1120	1391	1179	1406
1121	961	1180	999
1122	1309	1181	1000
1123	962	1182	1001
1124	963	1183	1407
1125	964	1184	1408
1126	965	1185	1002
1127	1234	1186	1003
1128	966	1187	1004
1129	967	1188	1005
1130	968	1189	1006
1131	969	1190	1007
1132	970	1191	1008
1133	971	1192	1009
1134	972	1193	1010
1135	973	1194	1174
1136	974	1195	1392
1137	1342	1196	1011
1138	1142	1197	1012
1139	1189	1198	1013
1140	975	1199	1014
1141	955	1200	1015

Ratification No.	Act No.	Ratification No.	Act No.
1201	1016	1260	1296
1202	1017	1261	1237
1203	1343	1262	1062
1204	1018	1263	1063
1205	1019	1264	1064
1206	1020	1265	1238
1207	976	1266	1350
1208	1236	1267	1362
1209	1021	1268	1066
1210	1022	1269	In hands of Governor
1211	1023	1270	1067
1212	1024	1271	1239
1213	1025	1272	1068
1214	1026	1273	1069
1215	1027	1274	1070
1216	1028	1275	1071
1217	1029	1276	1072
1218	1030	1277	1073
1219	1409	1278	1074
1220	1031	1279	1215
1221	1032	1280	1075
1222	1033	1281	1076
1223	1034	1282	1131
1224	1295	1283	1077
1225	1035	1284	In hands of Governor
1226	1324	1285	1197
1227	1036	1286	1078
1228	1386	1287	1132
1229	1037	1288	1318
1230	1038	1289	1216
1231	1214	1290	1297
1232	1039	1291	1133
1233	1040	1292	1079
1234	1041	1293	In hands of Governor
1235	1277	1294	1261
1236	1042	1295	1080
1237	1043	1296	1081
1238	1044	1297	1082
1239	1045	1298	1351
1240	1046	1299	1083
1241	1047	1300	1084
1242	1048	1301	1085
1243	1049	1302	1319
1244	1050	1303	1086
1245	1051	1304	1298
1246	1052	1305	1087
1247	1170	1306	1088
1248	1260	1307	1130
1249	1371	1308	1089
1250	1053	1309	1393
1251	1054	1310	1247
1252	1055	1311	1090
1253	1056	1312	1310
1254	1196	1313	1091
1255	1057	1314	1092
1256	1058	1315	1093
1257	1059	1316	1352
1258	1060	1317	1245
1259	1061	1318	1423

Ratification No.	Act No.	Ratification No.	Act No.
1319	1094	1377	1222
1320	1095	1378	1106
1321	1198	1379	1387
1322	1372	1380	1431
1323	1140	1381	1107
1324	1096	1382	1432
1325	1410	1383	1267
1326	1199	1384	1223
1327	1331	1385	1367
1328	1299	1386	1248
1329	1097	1387	1190
1330	1288	1388	1192
1331	1240	1389	1108
1332	1320	1390	1109
1333	1363	1391	1152
1334	1135	1392	1110
1335	1098	1393	1111
1336	1252	1394	1112
1337	1300	1395	1113
1338	1306	1396	1114
1339	1263	1397	1115
1340	1417	1398	1116
1341	1175	1399	1314
1342	1099	1400	1117
1343	1321	1401	1118
1344	1100	1402	1311
1345	1101	1403	1119
1346	1289	1404	1411
1347	1353	1405	1373
1348	1181	1406	1204
1349	1301	1407	1333
1350	1302	1408	1325
1351	1102	1409	1326
1352	1375	1410	1120
1353	1203	1411	1327
1354	1103	1412	1121
1355	1282	1413	1256
1356	1241	1414	1412
1357	1104	1415	1322
1358	1253	1416	1290
1359	1430	1417	1122
1360	1186	1418	1123
1361	1357	1419	1124
1362	1187	1420	1177
1363	1176	1421	1421
1364	In hands of Governor	1422	1394
1365	1344	1423	1125
1366	1354	1424	1304
1367	1303	1425	1126
1368	1217	1426	1345
1369	1218	1427	1346
1370	1219	1428	1191
1371	1254	1429	1328
1372	1255	1430	1224
1373	1151	1431	1388
1374	1220	1432	1374
1375	1105	1433	1389
1376	1221	1434	1136

RATIFICATION NUMBERS

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Ratification No.	Act No.	Ratification No.	Act No.
1435	1127	1439	1227
1436	1368	1440	1128
1437	1201	1441	1315
1438	1278	1442	1129

ACTS
AND
JOINT RESOLUTIONS
OF THE
General Assembly
OF THE
State of South Carolina

ROBERT E. McNAIR, Governor; EDGAR A. BROWN, President pro tempore of Senate; SOLOMON BLATT, Speaker of House of Representatives; REX L. CARTER, speaker pro tempore of House of Representatives; L. O. THOMAS, Clerk of the Senate; INEZ WATSON, Clerk of House of Representatives.

Passed at the extra session which was begun on the 13th day of December, A. D., 1965; and the regular session, which was begun and held at the city of Columbia on the 11th day of January, A. D., 1966 and was adjourned sine die on the 20th day of May, A. D., 1966

PART 1
GENERAL AND PERMANENT LAWS

(R735, S447)

No. 731

An Act To Amend Act No. 238 Of 1965, Relating To The Powers And Duties Of The Tax Assessor And Delinquent Tax Collector For Newberry County, So As To Further Provide Therefor.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Items (3) and (4) of Section 2 of Act 238 of 1965 amended—powers and duties.—Items (3) and (4) of Section 2 of Act No. 238 of 1965 are amended by inserting “and personal” following the word “real” on line one of Items (3) and (4). The items when amended shall read as follows:

“(3) Seek for and discover all real and personal property in Newberry County not previously returned by the owners or agents thereof or not listed for taxation by the county auditor, and list it for taxation in the name of the owner or person to whom it is taxable;

(4) Make a preliminary assessment of the value of all real and personal property in the county and enter it upon the returns and lists furnished him by the county auditor for his consideration.”.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 5th day of January, 1966.

(R736, S450)

No. 732

An Act To Amend Act No. 56 Of 1965, As Amended, Relating To The Membership Of The Newberry County Economic Opportunity Commission, So As To Increase The Membership.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 3 of Act 56 of 1965 amended—members and compensation.—Section 3 of Act No. 56 of 1965, as amended, is further amended by striking on line one the word “twelve” and inserting “twenty”. When so amended, the section shall read as follows:

“Section 3. The commission shall be composed of twenty members who shall be appointed by the Governor upon the recommendation of the legislative delegation. The members of the commission shall serve without compensation.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 5th day of January, 1966.

(R737, S451)

No. 733

An Act To Abolish The Office Of Tax Collector In Saluda County And To Devolve His Powers And Duties Upon The County Tax Assessor And Equalizer.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Office of tax collector abolished in Saluda County.—The office of tax collector in Saluda County is hereby abolished and the powers and duties of that office are devolved upon the county tax assessor and equalizer.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 5th day of January, 1966.

(R739, S452)

No. 734

An Act To Vest The General Powers And Duties Of Boards Of Commissioners Of Public Works Upon The Town Council Of The Town Of Irmo, In Lexington County.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Town of Irmo not to have commissioners of public works.—Notwithstanding any provision of law to the contrary, in the Town of Irmo, in Lexington County, there shall be no Board of Commissioners of Public Works, and the powers and duties vested by general law in such boards in other cities and towns shall be vested in the Town Council of the Town of Irmo.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 19th day of January, 1966.

(R740, S453)

No. 735

An Act To Amend Act No. 462 Of The Acts Of 1965, Relating To Deputy Registrars For The Board Of Registration Of Colleton County So As To Further Provide Therefor.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 1 of Act 462 of 1965 amended—Colleton County Board of Registration may employ deputy registrars.—Section 1 of Act No. 462 of the Acts of 1965 is amended by striking the words “as assistants to the regular members of the Board of Registration,” on lines two and three, so that when so amended the section shall read as follows:

“Section 1. The County Board of Registration of Colleton County is hereby authorized to employ two deputy registrars. They shall be paid at the same rate of pay as provided by law for members of boards of registration.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 19th day of January, 1966.

(R741, H1361)

No. 736

An Act To Create The Laurens County Economic Opportunity Commission And To Prescribe Its Powers And Duties.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Laurens County Economic Opportunity Commission created.—There is hereby created the Laurens County Economic Opportunity Commission.

SECTION 2. To be corporate body.—The commission is hereby declared to be a body politic and corporate and shall exercise and enjoy all the rights and privileges of such.

SECTION 3. Members and compensation.—The commission shall be composed of seven members who shall be appointed by the Governor upon the recommendation of the legislative delegation, including the Senator.

SECTION 4. Terms and vacancies.—The terms of office of the members of the commission shall be for two years or until their successors are appointed and qualify. In the event of a vacancy in the membership of the commission, a successor for the unexpired portion of the term shall be appointed in the same manner as his predecessor. Of the initial appointees, three shall serve for one year.

SECTION 5. Officers.—Immediately upon the appointment of the commission, it shall organize by electing one of its members as chairman, a second as vice chairman and a third as secretary and treasurer. The commission shall file a record of its members in the office of the Clerk of Court for Laurens County.

SECTION 6. Powers and duties.—The commission shall be responsible for the improvement of communication and cooperation among existing and future programs and the administration of one or more new programs designed to improve the health, education, welfare, housing or employment of the residents of Laurens County. To this end the commission shall be empowered as follows:

- (a) to sue and be sued;
- (b) to adopt, use and alter a corporate seal;
- (c) to make bylaws for the management and regulation of its affairs;
- (d) to appoint agents, employees and servants, to prescribe their duties, to fix their compensation, to determine if and to what extent they shall be bonded for the faithful performance of their duties;
- (e) to undertake the improvement of communication and cooperation among existing and future programs administered by federal, state, county and municipal governmental agencies and private non-profit organizations designed to improve the health, education, welfare, housing or employment of the county residents and, with the consent of such agencies and organizations, to coordinate same;
- (f) to enter into contracts and agreements for performance of its programs and duties with federal, state, county and municipal governmental agencies and subdivisions thereof, and private non-profit organizations;
- (g) to accept and receive funds for the performance of its duties in the administration of its programs from such governmental agencies and subdivisions thereof and private nonprofit organizations, as well as any other sources;
- (h) to designate an executive committee from among the members of the commission to which may be delegated one or more duties and responsibilities of the commission and, from time to time to appoint one or more subcommittees composed of residents of Laurens County to advise and assist in the administration of its program and the performance of its duties;
- (i) to maintain adequate accounts and records of its activities, receipts and expenses in conformance with requirements of any con-

tract or agreement with any federal, state, county or municipal governmental agency, or subdivision thereof, or any private nonprofit organization; and

(j) to acquire, own or hold in trust, preserve, restore, maintain or lease property, facilities and equipment reasonably necessary for the performance of its duties and the administration of its programs.

SECTION 7. Exempt from taxes.—All property of the commission shall be exempt from all ad valorem taxes levied by Laurens County or any municipality therein, or any division, subdivision or agency thereof, directly or indirectly.

SECTION 8. Fiscal year and audit.—The commission shall conduct its affairs on the same year basis as employed by Laurens County. As shortly after close of each year as may be practical an audit of its affairs shall be made by a certified public accountant in good standing, to be designated by the commission. Copies of such audit, incorporated into an annual report of the commission, shall be filed with each member of the legislative delegation and the office of the Clerk of Court for Laurens County.

SECTION 9. Contracts not to be impaired.—The right to alter, amend or rescind this act is hereby expressly reserved and disclosed, but no such amendment or repeal shall operate to impair the operation of any contract otherwise made by the authority pursuant to any power conferred by this act.

SECTION 10. When action may be taken.—Any action required of the commission may be taken at any regular or special meeting, and at such meeting a majority of the members shall constitute a quorum.

SECTION 11. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 19th day of January, 1966.

An Act To Amend Section 28-336, Code Of Laws Of South Carolina, 1962, Relating To The Open Seasons For Hunting In Game Zone No. 5, So As To Extend The Season For The Hunting Of Domestic Game Birds And Animals.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 28-336 amended—hunting season for Game Zone 5.—Section 28-336, Code of Laws of South Carolina, 1962, is amended by striking the word “and” at the end of item (2); by changing the period at the end of item (3) to a semicolon and adding the word “and”; and by inserting after item (3) the following:

“(4) The open season for the hunting of quail in Kershaw County shall be from Thanksgiving Day to March first, inclusive.”

When so amended, the section shall read as follows:

“Section 28-336. The open season for hunting domestic game birds and animals in Game Zone No. 5 shall be from Thanksgiving Day to February fifteenth following, inclusive, except that:

(1) Deer, bucks only, may be hunted from September fifteenth to January first, inclusive;

(2) Raccoons and opossums may be hunted from September fifteenth to March thirty-first, inclusive;

(3) Between September fifteenth and Thanksgiving Day rabbits may be hunted without firearms and squirrels may be hunted without dogs; and

(4) The open season for the hunting of quail in Kershaw County shall be from Thanksgiving Day to March first, inclusive.

Any person violating any of the provisions of this section shall, upon conviction, be fined not exceeding one hundred dollars or imprisoned for not more than thirty days.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 19th day of January, 1966.

(R743, H1940)

No. 738

An Act To Amend Sections 61-1, 61-62, And 61-105, Code Of Laws Of South Carolina, 1962, As Amended, Relating To The South Carolina Retirement System, So As To Delete A Definition And To Permanently Fix The Contribution Rate Of Members Of The System.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 61-1 amended—item (25) deleted.—Section 61-1, Code of Laws of South Carolina, 1962, as amended, is further amended by deleting item (25) which reads as follows: “(25) ‘Social Security break-point’ shall mean the maximum amount of taxable wages under the Federal Insurance Contributions Act as from time to time in effect.”

SECTION 2. Section 61-62 amended—employee annuity savings fund—amounts to be deducted—rates.—Section 61-62, Code of Laws of South Carolina, 1962, as amended, is further amended by striking on lines thirteen, fourteen and fifteen, the following: “the amount taxable to him under the Federal Insurance Contributions Act as from time to time in effect plus five per cent of the part of his earnable compensation not so taxable.”, and inserting in lieu thereof “four thousand eight hundred dollars, plus five per cent of the part of his earnable compensation in excess of four thousand eight hundred dollars.” The section is further amended by striking the last paragraph and inserting in lieu thereof the following:

“Notwithstanding the foregoing, effective July 1, 1964, the rates of such deductions shall be, without regard to a member’s coverage under the Social Security Act, as follows: ‘In the case of Class One members, three per cent of the portion of earnable compensation not in excess of four thousand eight hundred dollars, and five per cent of the portion in excess of four thousand eight hundred dollars; and, in the case of Class Two members, four per cent of the portion of earnable compensation not in excess of four thousand eight hundred dollars, and six per cent of the portion in excess of four thousand eight hundred dollars.’” The section when amended shall read as follows:

“Section 61-62. The employee annuity savings fund shall be the account in which shall be recorded the contributions deducted from the earnable compensation of members to provide for their employee annuities. Each employer shall cause to be deducted from the compensation of each member on each and every payroll of such employer for each and every payroll period four per cent of his earnable compensation. With respect to each member who is eligible for coverage under the Social Security Act in accordance with the agreement entered into during 1955 in accordance with the provisions of chapter 5 of this Title, however, such deduction shall, commencing with the first day of the period of service with respect to which such agreement is effective, be at the rate of three per cent of the

part of his earnable compensation not in excess of four thousand eight hundred dollars, plus five per cent of the part of his earnable compensation in excess of four thousand eight hundred dollars. In the case of any member so eligible and receiving compensation from two or more employers, such deductions may be adjusted under such rules as the Board may establish so as to be as nearly equivalent as practicable to the deductions which would have been made had the member received all of such compensation from one employer. In determining the amount earnable by a member in a payroll period, the Board may consider the rate of annual earnable compensation of such member on the first day of the payroll period as continuing throughout such payroll period and it may omit deduction from earnable compensation for any period less than a full payroll period if a teacher or employee was not a member on the first day of the payroll period.

Each employer shall certify to the Board on each and every payroll or in such other manner as the Board may prescribe the amounts to be deducted and such amounts shall be deducted and, when deducted, shall be credited to said employee annuity savings fund, to the individual accounts of the members from whose compensation the deductions were made.

Notwithstanding the foregoing, effective July 1, 1964, the rates of such deductions shall be, without regard to a member's coverage under the Social Security Act, as follows: 'In the case of Class One members, three per cent of the portion of earnable compensation not in excess of four thousand eight hundred dollars, and five per cent of the portion in excess of four thousand eight hundred dollars; and, in the case of Class Two members, four per cent of the portion of earnable compensation not in excess of four thousand eight hundred dollars, and six per cent of the portion in excess of four thousand eight hundred dollars'.

SECTION 3. Section 61-105 amended—retirement allowances.

—Section 61-105, Code of Laws of South Carolina, 1962, as amended, is further amended by striking "the Social Security break-point," on lines three and four of item (1) of subsection (B) and inserting in lieu thereof "four thousand eight hundred dollars", and by striking "such break-point" on line five of item (1) of subsection (B), and inserting in lieu thereof "four thousand eight hundred dollars". The section when amended shall read as follows:

"Section 61-105. (A) Upon retirement from service on or after July 1, 1964, a Class One member shall receive a service retirement allowance which shall consist of:

(1) An employee annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement; and

(2) An employer annuity equal to the employee annuity allowable at the age of sixty-five years or at age of retirement, whichever is less, computed on the basis of contributions made prior to the age of sixty-five years; and

(3) If he has a prior service certificate in full force and effect, an additional employer annuity which shall be equal to the employee annuity which would have been provided at age sixty-five or at age of retirement, whichever is less, by twice the contributions which he would have made during his entire period of prior service had the System been in operation and had he contributed thereunder during such entire period.

(B) Upon retirement from service on or after July 1, 1964, a Class Two member shall receive a service retirement allowance computed as follows:

(1) If the member's service retirement date occurs on or after his sixty-fifth birthday, such allowance shall be equal to one per cent of the portion of his average final compensation not in excess of four thousand eight hundred dollars, plus one and one-half per cent of the portion of such compensation in excess of four thousand eight hundred dollars, multiplied by the number of years of his creditable service.

(2) If the member's service retirement date occurs before his sixty-fifth birthday, his service retirement allowance shall be computed as in Item (1) above, but shall be reduced by five twelfths of one per cent thereof for each month by which his retirement date precedes the first day of the month coincident with or next following his sixty-fifth birthday.

(3) Notwithstanding the foregoing provisions, any Class Two member whose creditable service commenced prior to July 1, 1964, shall receive not less than the benefit provided by subsection (A) of this section.

(C) Any teacher or employee as defined in Section 61-1 (3) and (4) who was a nonmember of the South Carolina Retirement System and who had attained age seventy-two prior to July 1, 1964, and who at the time of separation from service had rendered twenty or more years of employment which would otherwise have been considered

creditable service under the terms of the South Carolina Retirement Act may establish such service and qualify for a retirement allowance from the Retirement System provided they do so on or before December 31, 1965.

(1) The employee and employer contributions which would have been made had such service been rendered as a member shall be paid at the then prevailing rates paid by other employees and employers of the South Carolina Retirement System.

(2) The retirement allowance provided by this section shall become effective as of the first day of the month in which such service is established."

SECTION 4. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 19th day of January, 1966.

(R746, H1960)

No. 739

An Act Relating To License Fees For Mobile Homes And Construction Permits In Newberry County, And To Repeal Act No. 774 Of 1964, Relating To License Fees For Mobile Homes In Newberry County.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Licenses for mobile homes in Newberry County—period of.—In Newberry County the license fee for mobile homes and house trailers as prescribed by Act No. 881 of 1962, as amended, shall be effective for a period of ten years.

SECTION 2. Duties of tax assessor and delinquent tax collector for Newberry County.—The tax assessor and delinquent tax collector of Newberry County shall be responsible for enforcing the provisions of Act No. 881 of 1962, as amended, and Act No. 157 of 1963, and shall be entitled to such mileage as is provided by law for carrying out such duties.

SECTION 3. Act 774 of 1964 repealed.—Act No. 774 of 1964 is repealed.

SECTION 4. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 25th day of January, 1966.

(R749, S477)

No. 740**An Act To Provide For The Appointment Of An Assistant Solicitor For The Fourth Judicial Circuit.**

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Assistant solicitor may be appointed for fourth judicial circuit.—The solicitor of the fourth judicial circuit may appoint an attorney, who is a resident of the circuit, as an assistant solicitor, who shall perform such duties and functions as may be assigned him by the solicitor. His term shall be coterminous with that of the solicitor and he shall receive as compensation for his services the sum of six thousand dollars, one-fourth of which shall be paid by each county of the circuit.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 26th day of January, 1966.

(R750, H1945)

No. 741**An Act To Provide For Certain Fees Charged By The Clerk Of Court For Lexington County.**

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Clerk of court fees for Lexington County.—The fees and charges of the Clerk of Court for Lexington County shall be as set forth in this section, except that if the fee for any service is not set forth in this section, then such fee shall be as provided by general law :

A. Real Estate Charges :

(1) Recording real estate deed, including auditor's fee, but excepting cemetery deeds, as follows : short form, three signers, two dollars ; and regular form, three pages, three signers, two dollars and fifty cents, over 3 pages 50¢ each additional page.

(2) Recording real estate mortgage, three pages, two dollars and fifty cents.

(3) Recording dowers, corrected probates and affidavits on deeds and mortgages, one dollar and fifty cents each.

(4) Recording release of lien on mortgage or deed, one page, one dollar; extra pages, fifty cents each.

(5) Recording subordination and postponement of lien, one page, one dollar; extra pages, fifty cents each.

(6) Recording assignment of real estate mortgage, one dollar.

(7) Recording satisfaction of real estate mortgage, fifty cents.

(8) Recording bill of sale, two dollars.

(9) Recording plat, photocopy size, two dollars per page; paste-in size, five dollars per page.

(10) Recording power of attorney, two dollars, plus fifty cents State Stamps.

(11) Recording charter or amendment to charter, three dollars.

(12) Recording lease, three pages, two dollars; more than three pages, one dollar per additional page.

(13) Recording right of way or easement, two dollars.

B. Chattel Charges:

(1) Recording chattel mortgage, two pages, one dollar and fifty cents; more than two pages, fifty cents each additional page.

(2) Recording chattel mortgage assignment or renewal, one dollar and fifty cents.

(3) Recording satisfaction of chattel, fifty cents.

(4) Recording lease of personal property, three pages, one dollar and fifty cents.

(5) Recording bill of sale of personal property, one dollar and fifty cents.

(6) Recording assignment of chattel mortgage, one dollar.

C. Court Charges:

(1) Filing transcript of judgment—Magistrate, two dollars and fifty cents; Clerk of Court, five dollars.

(2) Issuing execution, fifty cents.

(3) Filing Lis Pendens, three dollars.

(4) Filing Mechanics Lien, five dollars.

(5) Filing civil actions, seven dollars and fifty cents. This will constitute the entire cost of adoptions, divorces, dismissals and default matters, including certified copies provided they are prepared by the attorney. An additional seven dollars and fifty cents will be charged in other cases when enrolled as a judgment if not more than thirty pages. No part of the filing fee shall be returned for any reason.

D. Miscellaneous Charges:

(1) Recording assignment of accounts, one dollar and fifty cents.

(2) Filing tax liens, State or Federal, one dollar and fifty cents.

(3) Photocopies, per page, one dollar; Xerox copies, at regular time, twenty-five cents per page—special, fifty cents per page.

(4) Filing unusual papers to be set by Clerk of Court.

SECTION 2. Time effective.—This act shall take effect March 1, 1966.

Approved the 26th day of January, 1966.

(R752, H1958)

No. 742

An Act To Amend Act 147 Of 1965, Relating To The Jasper County Economic Opportunity Commission, So As To Increase The Number Of Members Of The Commission From Fifteen To Nineteen.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 3 of Act 147 of 1965 amended—members and compensation.—Section 3 of Act 147 of 1965 is amended by striking on line two the word “fifteen” and inserting “nineteen”. The section when amended shall read as follows:

“Section 3. The commission shall be composed of nineteen members who shall be appointed by the Governor upon the recommendation of the legislative delegation. The members of the commission shall serve without compensation.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 26th day of January, 1966.

(R755, S438)

No. 743

An Act To Reapportion The Senate Of The General Assembly Of South Carolina.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Senatorial districts designated—number of senators for each.—(a) The State of South Carolina is hereby divided

into twenty-seven senatorial districts with the number of senators assigned to each district as follows:

Total population (2,382,594) divided by number of senators (50) equals 47,652 (number of people per senator).

<i>Senatorial District</i>	<i>Counties</i>	<i>Number of Senators</i>	<i>Population of District</i>	<i>Population per Senator</i>
1	Oconee (40,204)	1	40,204	40,204
2	Pickens (46,030)	1	46,030	46,030
3	Greenville (209,776)	4	209,776	52,444
4	Spartanburg (156,830) . .	3	156,830	52,276
5	Cherokee (35,205), Union (30,015), York (78,760)	3	143,980	47,993
6	Chester (30,888), Fairfield (20,713)	1	51,601	51,601
7	Lancaster (39,352)	1	39,352	39,352
8	Chesterfield (33,717), Kershaw (33,585), Lee (21,832)	2	89,134	44,567
9	Marlboro (28,529), Dillon (30,584), Marion (32,014)	2	91,127	45,563
10	Horry (68,247), Georgetown (34,798)	2	103,045	51,522
11	Florence (84,438)	2	84,438	42,219
12	Darlington (52,928)	1	52,928	52,928
13	Williamsburg (40,932) . .	1	40,932	40,932
14	Berkeley (38,196)	1	38,196	38,196
15	Charleston (216,382)	4	216,382	54,095
16	Beaufort (44,187)	1	44,187	44,187
17	Jasper (12,237), Hampton (17,425), Colleton (27,816), Dorchester (24,383)	2	81,861	40,930
18	Allendale (11,362), Bamberg (16,274), Barnwell (17,659)	1	45,295	45,295
19	Orangeburg (68,559), Calhoun (12,256)	2	80,815	40,407

<i>Senatorial District</i>	<i>Counties</i>	<i>Number of Senators</i>	<i>Population of District</i>	<i>Population per Senator</i>
20	Clarendon (29,490), Sumter (74,941)	2	104,431	52,215
21	Richland (200,102)	4	200,102	50,025
22	Lexington (60,726), Newberry (29,416), Saluda (14,554)	2	104,696	52,348
23	Aiken (81,038)	2	81,038	40,519
24	Edgefield (15,735), McCormick (8,629), Abbeville (21,417)	1	45,781	45,781
25	Greenwood (44,346)	1	44,346	44,346
26	Laurens (47,609)	1	47,609	47,609
27	Anderson (98,478)	2	98,478	49,239
		—		
		50		

(b) The present determination for reapportionment of the State Senate shall be based on the population figures as determined by the 1960 United States Census.

(c) All senators shall be elected in the general election of 1966 for four-year terms, and in the general election each four years thereafter.

(d) In all single county districts to which more than one senator has been assigned, each senate office shall constitute a separate and distinct office to which a separate number shall be assigned within each such district. A candidate for the office of senator within any such district shall be required to qualify for a specific senate office and shall not be permitted to qualify for more than one such office in any one election for the office of senator.

The election ballots for the office of senator in each such district shall reflect the number assigned to each senate office and the names of the candidates for each.

(e) Not more than one senator may be a resident of any county in a multi-county district unless such county contains one-fiftieth of the state population and at least seventy-five per cent thereof for each additional senator.

(f) If any provision of this section shall be declared to be invalid such declaration shall not invalidate the remaining provisions of this section.

SECTION 2. Senatorial districts designated—number of senators for each.—(a) The State of South Carolina is hereby divided into twenty-six senatorial districts, with the number of Senators assigned to each district as follows:

Total Population (2,382,594) divided by number of Senators (59) equals 40,383 (number of people per Senator).

<i>Senatorial Districts</i>	<i>Number of Senators for Districts</i>	<i>Population of Districts</i>	<i>Population represented by each Senator in District</i>
1. Oconee	1	40,204	40,204
2. Pickens	1	46,030	46,030
3. Cherokee	1	35,705	35,705
4. Lexington, Saluda	2	75,280	37,640
5. Edgefield, McCormick, Greenwood	2	68,710	34,355
6. Allendale, Barnwell, Bamberg	1	45,300	45,300
7. Georgetown	1	34,798	34,798
8. Williamsburg	1	40,932	40,932
9. Berkeley	1	38,196	38,196
10. Beaufort	1	44,187	44,187
11. York	2	78,760	39,380
12. Aiken	2	81,038	40,519
13. Chester, Lancaster	2	70,440	35,220
14. Kershaw	1	33,585	33,585
15. Orangeburg, Calhoun	2	80,815	40,407.5
16. Horry, Marion Marlboro, Dillon	4	159,374	39,843
17. Dorchester, Jasper, Hampton, Colleton	2	81,861	40,930.5
18. Anderson, Abbeville	3	119,895	39,995
19. Laurens, Newberry, Union	3	107,040	35,040
20. Sumter, Clarendon, Lee	3	126,263	42,087.7
21. Darlington, Florence	3	137,398	45,799.3
22. Spartanburg	4	156,830	39,207.5
23. Greenville	5	208,796	41,759.2
24. Charleston	5	216,382	43,276.4

<i>Senatorial Districts</i>	<i>Number of Senators for Districts</i>	<i>Population of Districts</i>	<i>represented by each Senator in District</i>
25. Richland, Fairfield	5	220,815	44,163
26. Chesterfield	1	33,717	33,717

(b) All senators shall be elected in the general election of 1966 for four-year terms, and in the general election each four years thereafter.

(c) In all single county districts to which more than one senator has been assigned, each senate office shall constitute a separate and distinct office to which a separate number shall be assigned within each such district. A candidate for the office of senator within any such district shall be required to qualify for a specific senate office and shall not be permitted to qualify for more than one such office in any one election for the office of senator.

The election ballots for the office of senator in each such district shall reflect the number assigned to each senate office and the names of the candidates for each.

(d) Not more than one senator may be a resident of any county in a multi-county district unless such county contains at least ninety per cent of one fifty-ninth of the State population for each additional senator from that county.

(e) The provisions of this section are mutually dependent and are conditions and considerations for each other, are intended to be in effect as a whole, and no portions of this section are intended to be or shall be in effect independent of any other portion or portions of this section.

(f) The provisions of this section shall not be effective if Section 1 is found to be constitutional.

SECTION 3. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 3rd day of February, 1966.

An Act To Amend Act No. 271 Of 1965, Creating The Coastal Empire Mental Health Board, So As To Further Provide For Membership On The Board.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 1 of Act 271 of 1965 amended—Coastal Empire Mental Health Board created.—Section 1 of Act No. 271 of 1965 is amended to read as follows:

“Section 1. There is hereby created the Coastal Empire Mental Health Board which shall be composed of fifteen members, seven of whom shall be residents of Beaufort County, five of whom shall be residents of Colleton County, and three of whom shall be residents of Jasper County. At least one member from each county shall be a medical doctor.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 4th day of February, 1966.

(R757, H1967)

No. 745

An Act To Amend Section 15-280, Code Of Laws Of South Carolina, 1962, As Amended, Relating To The Terms Of Court In The Eleventh Judicial Circuit, So As To Change The Date For The Beginning Of The April Term Of The Court Of Common Pleas In Lexington County And To Provide That The Terms Of The Court Of General Sessions Shall Be For Two Weeks And That The Terms Of The Court Of Common Pleas Shall Be For Three Weeks Except The April Term Shall Be For Four Weeks.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Subsection (2) of Section 15-280 amended—terms of court for Lexington County.—Subsection (2) of Section 15-280, Code of Laws of South Carolina, 1962, is amended to read as follows:

“(2) Lexington County. The court of general sessions for Lexington County shall be held at Lexington on the third Monday in January, the fourth Monday in May, and the Tuesday following the first Monday in September. Each term of the court of general sessions shall be for two weeks. The court of common pleas shall be held at Lexington on the first Monday in April, the third Monday in September and the fourth Monday in November. Each of the terms of the court of common pleas shall be for three weeks, except the term beginning the first Monday in April, which shall be for four weeks.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 4th day of February, 1966.

(R758, S490)

No. 746

An Act To Provide For The Bonding Of The Tax Assessor And Equalizer For Saluda County.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Tax Assessor and Equalizer for Saluda County to be bonded.—Before taking office the Tax Assessor and Equalizer for Saluda County shall give bond in the usual form in the sum of five thousand dollars conditioned upon the faithful performance of his duties. The bond shall be in the form prescribed for or used by the Sheriff of Saluda County.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 16th day of February, 1966.

(R761, S502)

No. 747

An Act To Amend Act No. 907 Of The Acts And Joint Resolutions Of The General Assembly Of 1962 Creating The School District Of Georgetown County, So As To Provide For The Election Of The County Board Of Education.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 2 of Act 907 of 1962 amended—board of trustees—members—elections—terms.—Section 2 of Act No. 907 of 1962 is amended so as to provide for a county board of education to be composed of eight persons to be elected by the qualified electors of the county, so that when so amended Section 2 shall read as follows:

“Section 2. All corporate powers, functions and duties of the School District of Georgetown County shall be exercised and per-

formed by a board of trustees to be known as 'The Georgetown County Board of Education.' Hereinafter the School District of Georgetown County is referred to as the school district, and the Georgetown County Board of Education is referred to as the board. The board shall be composed of eight persons who shall be elected by the qualified electors of the county in the general elections for terms of four years. The three members of the board serving on the effective date of this act who were last appointed as members shall serve until the day preceding the Monday following the general election of 1968. The five remaining members shall serve until the day preceding the Monday following the general election of 1966, and their successors in office shall be elected in the general election of 1966 for terms of four years, except that the one receiving the lowest number of votes shall serve for a term of only two years and his successor in office shall be elected in the general election of 1968. Thereafter, all terms of office shall be for four years. All elected board members shall take office on the Monday following the general election in which elected. The present members shall continue in office until their successors are elected and have qualified."

SECTION 2. Second paragraph of Section 7 of Act 907 of 1962 amended—tax levy.—The second paragraph of Section 7 of Act No. 907 of 1962 is amended by deleting therefrom the requirement of submitting the budget for the school district to the legislative delegation, so that when so amended the second paragraph of Section 7 shall read as follows:

"Before July first of each year the chairman of the board shall notify the auditor and treasurer of the county of the amount of money required for the operation of the school district during the next fiscal year. Upon receipt of this notice the auditor shall levy upon all the taxable property of the county and the treasurer shall collect such tax as shall be necessary to provide the sum specified by the board of education through the chairman."

SECTION 3. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 16th day of February, 1966.

(R763, S519)

No. 748

An Act To Amend Section 21-3962, Code Of Laws Of South Carolina, 1962, As Amended, Relating To Budgets And Tax Levies For School District No. 1 Of Saluda County, So As To Delete The Requirement That Any Tax Levy Increase Shall Be Submitted To A Referendum.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 21-3962 amended—Saluda County School District 1—budget and tax levy.—Section 21-3962, Code of Laws of South Carolina, 1962, as amended, is further amended by striking all after the first sentence. When amended, the section shall read as follows:

“Section 21-3962. The Board of Trustees of School District No. 1 of Saluda County shall annually prepare a budget and recommend to the county auditor the amount of tax levy necessary to defray the cost of such budget.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 16th day of February, 1966.

(R764, H1333)

No. 749

An Act To Establish The South Carolina Interagency Council On Aging.

Whereas, the constantly increasing proportion of older people within the population of this State, and the increasing gravity of the human distress, and the loss accruing to the entire society as a result of the limitations and disadvantages confronting older people in maintaining their economic self-sufficiency and personal well-being, and realizing their maximum potentials as contributors to their community, state, and nation, are matters of profound import and concern for all people of this State; and

Whereas, it is necessary and of the utmost importance to encourage the development and maintenance within this State of a comprehensive and coordinated network of public and private facilities for the correction or alleviation of these limitations and disadvantages

and to encourage the conducting of continuous study and research into the needs and problems of older people under present and future economic and social conditions because it is essential for the prevention of dependency and the conservation of human values, and a necessity in safeguarding and fostering the general welfare; and

Whereas, it is declared to be the intent of the General Assembly by the passage of this act to provide for encouragement of the development, maintenance, and coordination of the aforementioned facilities. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. S. C. Interagency Council on Aging—members—chairman—compensation.—There is hereby created the South Carolina Interagency Council on Aging under the Governor's office to be composed of twenty members, ten of whom shall be as follows: the State Health Officer, the State Director of Public Welfare, the Director of the State Mental Health Department, the State Superintendent of Education, the Commissioner of the State Department of Labor, the Executive Director of the South Carolina State Employment Security Commission, the Director of the State Development Board, the State Director of Vocational Rehabilitation, the Director of the Clemson University Extension Service and the Executive Director of the South Carolina Municipal Association; and ten of whom shall be appointed by the Governor who shall be citizens of the State and who have an interest in and a knowledge of the problems of the aging, and at least one member shall reside in each of the six congressional districts of the State. In making appointments to the Council, consideration shall be given to mature citizens who are currently providing leadership or are interested in programs for the elderly in the State and also to the diverse problems of aging by appointing people from a number of fields, such as, housing, recreation, employment, retirement, medicine, nursing, social service, business, adult education, homes for the aging, religion, and research.

The Governor shall designate one of his appointees as chairman of the council to serve for a term of two years or until his successor is appointed and qualified.

The Speaker of the House of Representatives and the President of the Senate each shall name one legislator to serve on the Council as

ex officio members and the Governor shall also serve as an ex officio member of the Council.

Members of the Council shall serve without compensation but shall receive such per diem, mileage and subsistence as is authorized by law for members of boards, commissions and committees.

SECTION 2. Terms and vacancies.—The members to be appointed by the Governor shall serve for terms of four years and until their successors are appointed and qualify, except that of those first appointed two shall be appointed for one year, two for two years, three for three years and three for four years. All terms shall expire on June thirtieth and all vacancies shall be filled in the manner of the original appointment for the unexpired portion of the term only. No appointed member shall serve more than two consecutive terms.

The Council shall keep a roster of persons qualified to serve on the Council and shall annually present a list of potential appointees for the Governor's consideration.

The Governor may terminate the appointment of any member of the Council for good and just cause, and the reason for the termination of any appointment shall be communicated to each member of the Council.

SECTION 3. Meetings—officers—bylaws.—The Council shall meet at least once each quarter and special meetings may be called at the discretion of the chairman or upon written request to the chairman of a majority of the members. A majority of the members shall constitute a quorum for the transaction of business. The Council shall elect a vice chairman and such other officers as it deems necessary for terms of two years each, or until their successors are elected and qualified. The Council is empowered to adopt bylaws establishing rules for the conduct of its meetings and establishing policies and administrative procedures for carrying out the purposes of this act.

SECTION 4. Powers and duties.—The Council shall be the designated State agency to implement and administer all programs of the Federal Government relating to the aging, requiring acts within the State which are not the specific responsibility of another state agency under the provisions of Federal or State law. The Council may accept and disburse any funds available or which might become available pursuant to the purposes of this act.

The Council shall study, investigate, plan, promote, and execute a program to meet the present and future needs of aging citizens of

the State, and it shall receive the cooperation of other State departments and agencies in carrying out a coordinated program.

It shall also be the duty of the Council to encourage and assist in the development of programs for the aging in the counties and municipalities of this State. It shall consult and cooperate with public and voluntary groups, with county and municipal officers and agencies, and with any Federal or State Agency or officer for the purpose of promoting cooperation between State and local plans and programs, and between State and interstate plans and programs for the aging.

Without limiting the foregoing, the Council is specifically authorized to:

(a) Initiate requests for the investigation of potential resources and problems of the aging people of the State, encourage research programs, initiate pilot projects to demonstrate new services, and promote the training of personnel for work in the field of aging.

(b) Promote community education in the problems of older people through institutes, publications, radio, television, and the press.

(c) Cooperate with, encourage, and assist local groups, both public and voluntary, which are concerned with the problems of the aging.

(d) Encourage the cooperation of agencies in dealing with problems of the aging and offer assistance to voluntary groups in the fulfillment of their responsibility for the aging.

(e) Serve as a clearing house for information in the field of aging.

(f) Appoint such committees, as it deems necessary for carrying out the purposes of this act, such committee members to serve without compensation.

(g) Engage in any other activity deemed necessary by the Council to promote the health and well-being of the aging citizens of this State, not inconsistent with the purposes of this act or the public policies of the State.

SECTION 5. Gifts and grants.—The Council may receive on behalf of the State any grant or grant-in-aid from government sources, or any grant, gift, bequest, or devise from any other source. Title to all funds and other property received pursuant to this section shall vest in the State unless otherwise specified by the grantor.

SECTION 6. Annual report.—The Council shall submit an annual report to the Governor and to the General Assembly on or before January first of each year. The report shall deal with the present and

future needs of the elderly with respect to employment, retirement, income maintenance, housing and living arrangements, health, medical care, rehabilitation, education, recreation, personal adjustment, and such other matters as, in its judgment, are pertinent to the subject.

SECTION 7. Executive director to be employed.—The Council shall with the consent of the Governor employ an executive director to be the administrative officer of the Council and who shall serve at the pleasure of the Council.

SECTION 8. Other personnel.—The director shall appoint such other personnel and consultants as the Council deems to be necessary for the efficient performance of the duties prescribed by this act, and shall fix the compensation therefor.

SECTION 9. Budget.—The Council shall prepare the budget for its operation which shall be approved by the Governor.

SECTION 10. Appropriation.—The General Assembly shall provide an annual appropriation to carry out the work of the Council.

SECTION 11. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 17th day of February, 1966.

(R765, H1519)

No. 750

An Act To Amend Section 65-379, Code Of Laws Of South Carolina, 1962, Relating To Withholding Of Taxes, So As To Further Provide Therefor.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Item (1) of Section 65-379 amended—incomes subject to withholding taxes.—Item (1) of Section 65-379, Code of Laws of South Carolina, 1962, is amended on line one by inserting “or more” between the words “dollars” and “per”. The item when amended shall read as follows:

“(1) Making payment of wages at the rate of eight hundred dollars or more per year subject to withholding shall deduct and withhold upon such wages an estimated income tax determined in accordance with tables and rules promulgated by the Commission; but

the Commission may, in its discretion, exempt an employer from the provisions hereof who makes payment of wages to a legal resident of South Carolina, where such resident is employed in another state having income taxes withheld therein for the other state from the wages of the legal resident of this State;”.

SECTION 2. Item (2) of Section 65-379 amended—incomes subject to withholding taxes.—Item (2) of Section 65-379, Code of Laws of South Carolina, 1962, is amended on line two by inserting “or more” between the words “dollars” and “per”. The item when amended shall read as follows:

“(2) Making payments to a nonresident of rentals or royalties at the rate of eight hundred dollars or more per year for the use of or for the privilege of using property in this State, or making payments of prizes or winnings to a nonresident, shall withhold seven per cent of the total amount of each payment;”.

SECTION 3. Time effective.—This act, upon approval by the Governor, shall be effective with respect to payments made on and after January 1, 1965.

Approved the 16th day of February, 1966.

(R766, H1555)

No. 751

An Act To Amend Item (10) Of Section 65-259, Code Of Laws Of South Carolina, 1962, Relating To Income Tax Deductions For Contributions, So As To Permit Deductions For Contributions Made To Charitable Trusts Under The Twenty Per Cent Limitation.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Item (10) of Section 65-259 amended—income tax deductions for charitable purposes.—Item (10) of Section 65-259, Code of Laws of South Carolina, 1962, is amended by inserting between the words “to” and “corporations” on line two “or for the use of” so that when amended the item shall read as follows:

“(10) Contributions or gifts made by individuals within the taxable year to or for the use of corporations or associations operated exclusively for religious, charitable, scientific or educational purposes

or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private stockholder or individual, to an amount not in excess of twenty per cent of the taxpayer's adjusted gross income; *provided*, that contributions or gifts made to or for the use of churches, conventions or associations of churches, educational institutions, hospitals or medical research organizations situate in this State no part of the net earnings of which inure to the benefit of any private stockholder or individual shall entitle the person making the gift or contribution to an additional deduction in an amount not in excess of ten per cent of the taxpayer's adjusted gross income."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 16th day of February, 1966.

(R767, H2000)

No. 752

An Act To Amend Section 65-1523, Code Of Laws Of South Carolina, 1962, Relating To General Exemptions From Taxes, So As To Add A New Item Providing For The Exemption From Certain Taxes Of Property In The Name Of Charleston Chapter, Crippled Children's Society In Charleston County.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 65-1523 amended—property of Crippled Children's Society in Charleston County exempt from taxes.—Section 65-1523 of the 1962 Code is amended by adding a new item to read as follows:

"() All property in the name of Charleston Chapter, Crippled Children's Society described as East Fourth Street—Parcel C-2 (.51 acre) shall be exempt from the payment of all county, school and municipal taxes commencing with the year 1965 so long as the property is used for the purposes of the society."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 16th day of February, 1966.

(R768, H2001)

No. 753

An Act To Amend Section 14-1169, Code Of Laws Of South Carolina, 1962, Relating To The Powers Of The Charleston County Council, So As To Exclude The Board Of Assessors From The Control Of The Council And Provide For The Operation Of The Board By A Tax Levy.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 14-1169 amended—board of assessors excluded from powers of Charleston County Council—tax levy for.—Section 14-1169 of the 1962 Code is amended by adding a paragraph at the end of the section which shall read as follows:

“Beginning July 1, 1966, the office and functions of the board of assessors established under Section 65-3405 *et seq.* shall be under the exclusive jurisdiction of the board of assessors and funds for the operation of the office shall be provided by an annual tax levied pursuant to law; and the board of assessors shall be permitted to continue to utilize without charge the facilities, including utilities, now used by it in the county center until otherwise provided by the legislature.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 16th day of February, 1966.

(R770, H2013)

No. 754

An Act To Increase The Number Of Petit Jurors That May Be Drawn In Orangeburg County.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Number of jurors for Orangeburg County.—Notwithstanding the provisions of Section 38-61, Code of Laws of South Carolina, 1962, in Orangeburg County the jury commissioners may draw fifty petit jurors.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 16th day of February, 1966.

(R771, H2032)

No. 755

An Act To Divide The Mount Pleasant Voting Precinct In Christ Church Parish In Charleston County And To Define The Area Of The New Precincts.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Mount Pleasant Voting Precinct in Christ Church Parish divided.—Notwithstanding the provisions of Section 23-163, Code of Laws of South Carolina, 1962, as amended, the Mount Pleasant Voting Precinct in Christ Church Parish, described as follows:

Beginning at a point where the Wando River enters Charleston Harbor, following said river to a point where it enters the Francis Marion Forest, thence on a line southeasterly to the Intracoastal Waterway, thence along said waterway to the Charleston Harbor, thence along the shore line to point of beginning.

shall be divided into two precincts as follows:

One shall be comprised of the Town of Mount Pleasant with a polling place at or near the General Moultrie High School, and the other shall be comprised of all that area of Christ Church Parish lying outside the corporate limits of the Town of Mount Pleasant with a polling place at or near the National Guard Armory on the Mathis Ferry Road.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 16th day of February, 1966.

(R774, H2047)

No. 756

An Act To Vest The General Powers And Duties Of Boards Of Commissioners Of Public Works Upon The Town Council Of The Town Of Little Mountain, In Newberry County.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Town of Little Mountain not to have commissioners of public works.—Notwithstanding any provision of law to the

contrary, in the Town of Little Mountain, in Newberry County, there shall be no Board of Commissioners of Public Works and the powers and duties vested by general law in such boards in other cities and towns shall be vested in the Town Council of the Town of Little Mountain.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 16th day of February, 1966.

(R776, H1708)

No. 757

An Act To Amend Section 71-343, Code Of Laws Of South Carolina, 1962, Relating To A Tax Levy In Greenville County For Charity Hospitalization, So As To Reduce Such Levy.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 71-343 amended—tax levy in Greenville County for charity hospitalization.—Section 71-343, Code of Laws of South Carolina, 1962, is amended by striking the word “seven” on line one and inserting in lieu thereof the word “six”. When amended, the section shall read as follows:

“Section 71-343. A tax levy of six mills is hereby imposed upon all the taxable property in Greenville County, the proceeds of which shall be used for charity hospitalization, except so much as may be necessary to pay the salary of the county investigator.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 16th day of February, 1966.

(R778, H1980)

No. 758

An Act To Amend Act No. 6 Of 1965 Providing For The Reappraisement Of Property In Abbeville County, So As To Make Further Provision For The Borrowing Of Funds To Pay The Cost Of Reappraisement.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Act 6 of 1965 amended—Section 3A added—conditions if money borrowed from Division of General Services.—Act No. 6 of 1965 is amended by adding a new section to be designated as Section 3A to read as follows:

“Section 3A. Should the money authorized to be borrowed by this act be borrowed from the Division of General Services of the Budget and Control Board, it shall not be in an amount in excess of fifty thousand dollars, it shall be repaid in two equal annual installments or earlier from the General Fund of Abbeville County, and, should there be default in any payment, the State Treasurer is directed to withhold any funds accruing to the county and to transmit them to the Division of General Services.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 16th day of February, 1966.

(R780, H1982)

No. 759

An Act To Amend Sections 70-361 And 70-363, Code Of Laws Of South Carolina, 1962, Relating To The Abbeville Water Authority In Abbeville County, So As To Change The Function Of The Authority To One Of A Planning And Advisory Capacity, And To Further Provide For Their Expenses; And To Repeal Sections 70-366 Through 70-373, Code Of Laws Of South Carolina, 1962, Relating To The Abbeville Water Authority.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 70-361 amended—Abbeville Water Authority created.—Section 70-361 of the 1962 Code is amended to read as follows:

“Section 70-361. There is hereby created a body corporate and politic to be known as the Abbeville Water Authority. It shall be the function of the Authority to act in a planning and advisory capacity to any governing body in Abbeville County operating a water system when so requested by such governing body.”

SECTION 2. Section 70-363 amended—compensation.—Section 70-363 of the 1962 Code is amended to read as follows:

“Section 70-363. The members of the Authority shall receive no compensation but while in the performance of their duties shall receive such per diem, subsistence and mileage as is authorized by law for members of boards, commissions and committees. Such amounts shall be paid from funds controlled by the governing body requesting the service.”

SECTION 3. Sections 70-366 through 70-373 repealed.—Sections 70-366 through 70-373 of the 1962 Code are hereby repealed.

SECTION 4. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 16th day of February, 1966.

(R781, H1983)

No. 760

An Act To Amend Section 43-120, Code Of Laws Of South Carolina, 1962, Relating To Magistrate Court Fees In Newberry County, So As To Increase Such Fees.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 43-120 amended—Newberry County—jurors fees in magistrates' courts.—Section 43-120, Code of Laws of South Carolina, 1962, is amended by striking “one dollar” on lines two and three and inserting in lieu thereof “two dollars fifty cents”. The section when amended shall read as follows:

“Section 43-120. Jurors serving in criminal cases in magistrates' courts in Newberry County shall be paid the sum of two dollars fifty cents for each case in which they serve, such amount to be paid out of the fund provided in the county appropriation act for the payment of jurors and witnesses unless otherwise provided. The magistrate in whose court the jurors serve shall, within sixty days after such service, certify to the governing body of the county the name of the juror and the service rendered and the governing body of the county shall then issue its voucher on the county treasurer for the proper payment of such service.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 16th day of February, 1966.

(R782, H1991)

No. 761

An Act To Amend Section 47-248.2, Code Of Laws Of South Carolina, 1962, Relating To An Annual Tax For Ordinary Town Purposes For The Town Of Bishopville In Lee County, So As To Raise The Limitation Of The Tax.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 47-248.2 amended—Town of Bishopville may levy annual tax.—Section 47-248.2, Code of Laws of South Carolina, 1962, is amended by striking beginning on line two “four and two tenths” and inserting “seven”. The section when amended shall read as follows:

“Section 47-248.2. The town council of the town of Bishopville may levy, as provided in this article, an annual tax for ordinary town purposes not exceeding seven per cent of the assessed value of all taxable property within the corporate limits of the town.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 16th day of February, 1966.

(R783, H2005)

No. 762

An Act To Amend Act 183 Of The Acts Of 1965, As Amended, Relating To The Sumter County Economic Opportunity Commission, So As To Increase The Membership Of The Commission.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 3 of Act 183 of 1965 amended—members and compensation.—Section 3 of Act 183 of 1965, as amended, is further amended on line one by striking the word “eleven” and inserting “twenty”. The section when amended shall read as follows:

“Section 3. The commission shall be composed of twenty members who shall be appointed by the Governor upon the recommendation of the legislative delegation. The members of the commission shall serve without compensation.”

SECTION 2. Section 4 of Act 183 of 1965 amended—terms and vacancies.—Section 4 of Act 183 of 1965, as amended, is further amended on line six by striking the word “five” and inserting “ten”. The section when amended shall read as follows:

“Section 4. The terms of office of the members of the commission shall be for two years and until their successors are appointed and qualify. In the event of a vacancy in the membership of the commission, a successor for the unexpired portion of the term shall be appointed in the same manner as his predecessor. Of the initial appointees, ten shall serve for one year.”

SECTION 3. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 16th day of February, 1966.

(R784, H2025)

No. 763

An Act To Create The Cherokee County Commission For Higher Education And To Make Provision For Its Powers And Duties.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Cherokee County Commission for Higher Education created.—There is hereby created the Cherokee County Commission for Higher Education. This body, hereinafter called the commission, shall be composed of seven members who shall be appointed by the Governor on the recommendation of a majority of the Cherokee County Legislative Delegation. The commissioners shall be appointed for terms of four years each and shall serve until their successors shall have been appointed and qualify; *provided*, that three of the seven commissioners initially appointed shall be appointed for terms of two years, with their successors to be appointed thereafter for full four-year terms.

At their first meeting the commissioners shall elect a chairman, vice-chairman, secretary and treasurer from among their members

and proceed to organize and adopt such rules and procedures as may seem desirable to carry out their duties.

To facilitate its work the commission is hereby authorized to appoint from Cherokee County, and from such adjacent areas as deemed appropriate, an Educational Advisory Committee consisting of not less than ten nor more than fifteen members which shall meet and consult with the commission from time to time, as may be required. All members of the commission and of the Educational Advisory Committee shall serve without compensation or fees.

SECTION 2. Meetings.—The commission may meet at such times and in such places as to the majority of the members seems most desirable. Meetings may be called by the chairman of the commission or on the written request and signatures of three members.

SECTION 3. Purpose.—The commission shall have as its purpose the encouragement of higher education in Cherokee County and adjacent areas and, more specifically, the establishment in Cherokee County of facilities to offer standard freshman and sophomore college courses, and such other courses as deemed desirable.

SECTION 4. Powers and duties.—To carry out this purpose and objective, the commission, with the approval of a majority of its members, shall be empowered to enter into contracts, make binding agreements, negotiate with educators and educational institutions and, generally, to take such actions in its name as are necessary to secure for Cherokee County and adjacent areas the educational facilities above-described; *provided*, that the County of Cherokee shall not be bound nor held liable for any acts of omission or commission of the commission, nor by any provision of any contract or agreement, expressed or implied, except upon the written approval and consent of a majority of the Cherokee County Legislative Delegation.

The commission may solicit funds and accept donations from various sources which it may expend in carrying out its objective.

SECTION 5. Records and report.—The commission shall keep accurate and detailed records of its meetings and actions and shall, as soon after June thirtieth of each year as is feasible, submit a written report to the Cherokee County Legislative Delegation and file a copy of such report in the office of the clerk of court, which report shall include an accounting of all funds the commission may have received and disbursed in the twelve months preceding that date.

SECTION 6. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 16th day of February, 1966.

(R785, H2028)

No. 764

An Act To Amend Section 47-1577, Code Of Laws Of South Carolina, 1962, Relating To Wards In The City Of Florence, So As To Increase The Number Of Wards From Five To Nine.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 47-1577 amended—number of wards for City of Florence.—Section 47-1577 of the 1962 Code is amended by striking the word “five” on line one and inserting in lieu thereof the word “nine”. The section when amended shall read as follows:

“Section 47-1577. The city is hereby divided into nine wards. The boundaries of the wards shall be such as may be determined by ordinance of the city council, provided the city council may readjust and change the boundaries of the wards at any time, preserving as nearly as possible an equality of population and values of property in the wards.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 16th day of February, 1966.

(R787, H2031)

No. 765

An Act To Amend Section 23-167, Code Of Laws Of South Carolina, 1962, Relating To The Designation Of Voting Precincts In Clarendon County, So As To Provide Additional Precincts.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 23-167 amended—Clarendon County voting precincts designated.—Section 23-167 of the 1962 Code is amended on line three between the words “Platform;” and “Davis” by inserting “Farmers Platform No. 2;” and on line five between the

words "Summerton;" and "Turbeville" by inserting "Summerton No. 2;". The section when amended shall read as follows:

"Section 23-167. In Clarendon County there shall be voting precincts as follows: Alcolu; Barrows Mill; Bloomville; Calvary; Panola; Farmers Platform; Farmers Platform No. 2; Davis Station; Enterprise; Foreston; Fork; Harmony; Jordan; Manning; New Zion; Oakdale; Paxville; Sandy Grove; Sardinia-Gable; Seloc; Clarendon; Summerton; Summerton No. 2; Turbeville; Wilson Mill; and Woodrow Wilson."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 16th day of February, 1966.

(R789, H2042)

No. 766

An Act To Create The Grady H. Hipp Nursing Center Board Of Greenville County And To Provide For Labor At The Center.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Grady H. Hipp Nursing Center Board created.—For the purpose of operating and maintaining the Grady H. Hipp Nursing Center in Greenville County for the aged and indigent, there is hereby created the Grady H. Hipp Nursing Center Board. The board shall consist of five members to be appointed by the Governor upon the recommendation of a majority of the county legislative delegation for terms of three years and until their successors are appointed and qualify. All vacancies shall be filled in the same manner as the original appointments for the unexpired portion of the term only. The board shall elect a chairman and a secretary and shall meet at such times as it sees fit. A transcript of the records of the initial meeting shall be filed with the county clerk of court by the secretary.

SECTION 2. Powers and duties.—The board shall be empowered to exercise absolute control over and to do all things necessary or convenient for the operation of adequate facilities for the aged and indigent of Greenville County and, without limiting in any way the generality of the foregoing, shall be empowered as follows:

(1) To expend from county funds any unused portion of the 1948 appropriation for the home.

(2) To employ such personnel as it deems necessary for the operation of the several facilities maintained by the board.

(3) To promulgate such rules and regulations as may be necessary to carry out the provisions of this act.

SECTION 3. Fiscal year—records—audit.—The fiscal year of the board shall coincide with that of Greenville County. A full and accurate account of its actions, receipts and expenditures shall be kept and at least once within four months following the close of its fiscal year, a complete audit of its affairs shall be made by a qualified public accountant. Copies of such audit shall be filed with the clerk of court, the senator, and the secretary of the county legislative delegation.

SECTION 4. Labor and guard.—The supervisor of the county shall assign a sufficient number of prisoners to the Grady H. Hipp Nursing Center to maintain the buildings and property. He shall also assign a guard for the premises, whose salary shall be paid by the supervisor as other guards are paid. The superintendent of the center shall have the exclusive right to direct the prisoners in such work as may be necessary.

SECTION 5. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 16th day of February, 1966.

(R790, H2043)

No. 767

An Act To Amend Section 71-362, Code Of Laws Of South Carolina, 1962, Relating To The Greenville County Home Board, So As To Decrease Its Membership, To Further Provide For The Manner Of Appointments And To Provide For Vacancies.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 71-362 amended — members — terms—vacancies.—Section 71-362, Code of Laws of South Carolina, 1962, is amended by striking it out and inserting in lieu thereof the following:

"Section 71-362. The board shall consist of five members to be appointed by the Governor upon the recommendation of a majority of the county legislative delegation for terms of three years and until their successors are appointed and qualify. All vacancies shall be filled in the same manner as the original appointments for the unexpired portion of the term only."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 16th day of February, 1966.

(R791, H2041)

No. 768

An Act To Create The Newberry-Saluda Regional Library.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Newberry-Saluda Regional Library created.—

There is hereby created an eleemosynary corporation under the control of the State to be known as the Newberry-Saluda Regional Library which shall have all the powers conferred upon such a corporation by this act and other applicable laws of this State.

SECTION 2. To be managed by board of trustees.—The corporation shall be managed by a board of trustees consisting of fifteen members, ten of whom shall be residents of Newberry County and five of whom shall be residents of Saluda County, to be appointed by the Newberry and Saluda Legislative Delegations, who shall serve without compensation. The terms of the members shall be for four years and until their successors are appointed and qualify, except of those first appointed seven shall serve for two years and eight shall serve for four years. Vacancies shall be filled in the manner of the original appointment for the unexpired portion of the term only. Members of the board shall not serve consecutively for more than two terms and shall be subject to removal for cause by the appointing power.

SECTION 3. Officers—bonds—meetings.—The board shall elect a chairman, a vice-chairman, a secretary, a treasurer, and such other officers as may be deemed necessary and may make rules and regulations for the conduct of its business, not inconsistent with law.

The chairman and vice-chairman shall not be residents of the same county. The board may require of its treasurer and librarian a suitable bond for the faithful performance of their respective duties. The board shall meet at least four times annually and hold such other meetings as it deems necessary. Eight members shall constitute a quorum for the transaction of business.

SECTION 4. Employ librarian.—The board shall have the exclusive control and management of the Newberry-Saluda Regional Library and shall employ a librarian or librarians qualified by training and experience to conduct and administer public library service and may employ, direct, and discharge any such employees as it may consider advisable, at its pleasure. No member of the board or relative of a board member shall be employed.

SECTION 5. Powers.—The Newberry-Saluda Regional Library may, by way of amplification and classification but without limiting the generality of powers conferred on it by Section 1:

- (1) purchase, lease, hold, and dispose of real estate and personal property;
- (2) acquire books and other informational material and provide for their circulation throughout all sections of the region;
- (3) accept donations of land, services, materials, books and other things for the establishment and equipping of libraries;
- (4) enter into agreements for the suitable designation and markings of equipment, rooms, buildings and other library facilities to commemorate the memory of individuals;
- (5) cooperate or enter into contracts with any state or federal agency when by so doing it will receive substantial aid in carrying out the purposes of the library;
- (6) enter into contracts with other counties to operate regional or joint libraries and facilities; and
- (7) generally to do all things necessary and proper to establish, equip, maintain, and operate a regional library system.

SECTION 6. Duties.—The board of trustees shall provide and make available to the citizens of Newberry and Saluda Counties good books and informational material. The board shall establish a headquarters library and may establish branches and units in various communities and operate one or more bookmobiles over routes to be determined by the board, acquire books and other informational material, facilities and equipment, and make such rules and regulations,

not inconsistent with law, as it may deem necessary to insure the effective and efficient maintenance and operation of a regional library system.

SECTION 7. Members not to contract with board.—No member of the board of trustees shall contract with the board and any such attempted contract shall be void.

SECTION 8. Appropriations—audit—fiscal year.—Upon approval of the Newberry and Saluda Legislative Delegations an annual appropriation may be made for the support and maintenance of the regional library system to be used as the board may direct; *provided*, that the board shall adequately maintain and operate existing library units without reduction of service by such units. The funds appropriated shall be budgeted over the entire fiscal year and shall be audited each year by a public accountant annually engaged by the board. The fiscal year of the library shall be from July first until June thirtieth of each year.

SECTION 9. Reports.—The board shall annually, after July first and before September first of each year, make a report of its activities, showing in summary form its receipts and expenditures, the libraries and bookmobile routes operated by it, the number of books, periodicals and other property owned by it, the character of the service rendered to the people of the region, including the number making use of its service, and such other pertinent facts as would show its activities during the preceding fiscal year. Reports, including the annual audit, shall be filed in the offices of the clerks of court of Newberry and Saluda Counties and the governing boards for the counties and copies shall be furnished each member of the Newberry and Saluda Legislative Delegations.

SECTION 10. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 16th day of February, 1966.

An Act To Amend Section 21-996, Code Of Laws Of South Carolina, 1962, Relating To The Maturity Date Of State School Bonds, So As To Change Such Maturity Date.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 21-996 amended—maximum amount of bond issues—maturity date.—Section 21-996, Code of Laws of South Carolina, 1962, is amended by striking “1986” on the last line and inserting in lieu thereof “1991”. The section when amended shall read as follows :

“Section 21-996. The aggregate principal indebtedness on account of bonds issued to obtain funds to make advances to the school districts or operating units of the several counties, after deducting that part of any sinking fund applicable to the retirement of bonds issued for such purpose, shall never exceed one hundred thirty-seven million five hundred thousand dollars.

The aggregate principal indebtedness on account of bonds issued to acquire the school bus equipment authorized by the provisions of article 4 of chapter 16 of this Title, after deducting that part of any sinking fund applicable to the retirement of bonds issued for such purpose, shall never exceed nine million dollars.

Within such limits, State school bonds may be issued from time to time under the conditions prescribed by this article, but in no event to mature later than July 1, 1991.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 18th day of February 1966.

(R796, H2048)

No. 770

An Act To Create The Newberry-Saluda Economic Opportunity Commission And To Prescribe Its Powers And Duties, And To Repeal Acts 56 And 150 Of 1965, Relating To The Newberry County And The Saluda County Economic Opportunity Commissions.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Newberry-Saluda Economic Opportunity Commission created.—There is hereby created the Newberry-Saluda Economic Opportunity Commission.

SECTION 2. To be corporate body.—The commission is hereby declared to be a body politic and corporate and shall exercise and enjoy all the rights and privileges of such.

SECTION 3. Members and compensation.—The commission shall be composed of thirty members, twenty of whom shall be residents of Newberry County and ten of whom shall be residents of Saluda County, who shall be appointed by the Governor upon the recommendation of the Newberry and Saluda Legislative Delegations. The commission shall have at least two meetings each year. The members of the commission shall serve without compensation.

SECTION 4. Terms and vacancies.—The terms of office of the members of the commission shall be for two years or until their successors are appointed and qualify. In the event of a vacancy in the membership of the commission, a successor for the unexpired portion of the term shall be appointed in the same manner as his predecessor. Of the initial appointees, fifteen shall serve for one year. Present members of the Newberry County and Saluda County Economic Opportunity Commission shall continue to serve until the expiration of their terms.

SECTION 5. Officers.—Immediately upon the appointment of the commission, it shall organize by electing one of its members as chairman, two, as vice-chairmen, one from Saluda County and one from Newberry County, and a fourth as secretary and treasurer. The commission shall file a record of its members in the offices of the clerks of court for Newberry and Saluda Counties.

SECTION 6. Powers and duties.—The commission shall be responsible for the improvement of communication and cooperation among existing and future programs and the administration of one or more new programs designed to improve the health, education, welfare, housing or employment of the residents of Newberry and Saluda Counties. To this end the commission shall be empowered as follows:

- (a) to sue and be sued;
- (b) to adopt, use and alter a corporate seal;
- (c) to make bylaws for the management and regulation of its affairs;
- (d) to appoint agents, employees and servants, to prescribe their duties, to fix their compensation, to determine if and to what extent they shall be bonded for the faithful performance of their duties;

(e) to undertake the improvement of communication and cooperation among existing and future programs administered by federal, state, county and municipal governmental agencies and private nonprofit organizations designed to improve the health, education, welfare, housing or employment of the counties residents and, with the consent of such agencies and organizations, to coordinate same;

(f) to enter into contracts and agreements for performance of its programs and duties with federal, state, county and municipal governmental agencies and subdivisions thereof, and private nonprofit organizations;

(g) to accept and receive funds for the performance of its duties in the administration of its programs from such governmental agencies and subdivisions thereof and private nonprofit organizations, as well as any other sources;

(h) to designate, at its first meeting in each calendar year but not later than January thirty-first, from its membership an executive committee who shall have power to interview and employ staff personnel. This committee shall meet once a month or as often as may be necessary;

(i) to maintain adequate accounts and records of its activities, receipts and expenses in conformance with requirements of any contract or agreement with any federal, state, county or municipal governmental agency, or subdivision thereof, or any private nonprofit organization; and

(j) to acquire, own or hold in trust, preserve, restore, maintain or lease property, facilities and equipment reasonably necessary for the performance of its duties and the administration of its programs.

SECTION 7. Exempt from taxes.—All property of the commission shall be exempt from all ad valorem taxes levied by Newberry and Saluda Counties or any municipality therein, or any division, subdivision or agency thereof, directly or indirectly.

SECTION 8. Fiscal year and audit.—The commission shall conduct its affairs on the fiscal year basis employed by Newberry and Saluda Counties. As shortly after the close of its fiscal year as may be practicable an audit of its affairs shall be made by a certified public accountant in good standing, to be designated by the commission. Copies of such audit, incorporated into an annual report of the commission, shall be filed with the Newberry and Saluda Legislative Delegations.

SECTION 9. Contracts not to be impaired.—The right to alter, amend or rescind this act is hereby expressly reserved and disclosed, but no such amendment or repeal shall operate to impair the operation of any contract otherwise made by the authority pursuant to any power conferred by this act.

SECTION 10. When action may be taken.—Any action required of the commission may be taken at any regular or special meeting, and at such meeting a majority of the members shall constitute a quorum.

SECTION 11. Acts 56 and 150 of 1965 repealed.—Acts 56 and 150 of 1965 are repealed.

SECTION 12. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 18th day of February, 1966.

(R797, H2054)

No. 771

An Act To Amend Section 21-1355, Code of Laws of South Carolina, 1962, Relating To Budgets For Elementary Schools In Barnwell County, So As To Make Such Budgets Applicable To All Public Schools In The County, To Make Such Budgets Subject To The Approval Of The County Board Of Education As A Condition Precedent To The Levying And Collecting Of Taxes And To Provide For Approval Of Certain Electors For Any Annual Tax Increase In Excess Of Ten Mills.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 21-1355 amended—school districts to prepare budgets—tax levies.—Section 21-1355 of the 1962 Code is amended by striking the word “elementary” on lines five and eleven, and by adding at the end of the section “*Provided*, that no tax increase in excess of ten mills above the levy for the previous year shall be made in any school district without the approval of a majority of those qualified electors owning real property and residing in such district attending a meeting called for that purpose by the board of trustees. The board shall cause a notice, stating the time, place and purpose of the meeting, to be inserted in a newspaper published in

Barnwell County for at least two weeks prior thereto. The chairman of the board, or some person designated by him, or some person elected by those present shall preside at the meeting." When so amended the section shall read as follows:

"Section 21-1355. On or before the first day of June in each year the several boards of trustees of the several school districts in Barnwell County, with the aid and assistance of the superintendent of education of said county, shall each prepare a budget or estimate of the cost of operating and maintaining the schools in their respective school districts for and during the next school year. Certified copies of the budgets or estimates so made shall be forthwith filed with the auditor and treasurer of Barnwell County and said auditor and treasurer shall levy and collect a tax upon all of the taxable property in the respective school districts sufficient to raise the amount of money shown by such budgets to be necessary for the operation and maintenance of the schools in the several school districts. *Provided*, that no tax increase in excess of ten mills above the levy for the previous year shall be made in any school district without the approval of a majority of those qualified electors owning real property and residing in such district attending a meeting called for that purpose by the board of trustees. The board shall cause a notice, stating the time, place and purpose of the meeting, to be inserted in a newspaper published in Barnwell County for at least two weeks prior thereto. The chairman of the board, or some person designated by him, or some person elected by those present shall preside at the meeting."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 18th day of February, 1966.

(R799, H2089)

No. 772

An Act To Amend Chapter 9, Title 15, Code Of Laws Of South Carolina, 1962, Relating To The Juvenile And Domestic Relations Court Of Greenwood County, So As To Change The Name To Civil And Domestic Relations Court Of Greenwood County And To Amend Section 15-1291, Code Of Laws Of South Carolina, 1962, As Amended, Relating To The Definitions Of Certain Terms, So As To Redefine Child.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 9, Title 15 amended—name of court changed.—Chapter 9, Title 15 of the 1962 Code is amended by deleting the words “Juvenile and Domestic Relations Court” wherever they appear and inserting in lieu thereof the words “Civil and Domestic Relations Court.”

SECTION 2. Item (3) of Section 15-1291 amended—“child” defined.—Item (3) of Section 15-1291 of the 1962 Code is amended by striking it in its entirety and inserting in lieu thereof the following:

“(3) ‘Child’ means a person less than seventeen years of age, when such child is charged with having committed a delinquent act. In all other cases the term ‘child’ shall mean a person less than twenty-one years of age.”

SECTION 3. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 18th day of February, 1966.

(R801, H2002)

No. 773

An Act To Provide For The Signing Of Checks Or Warrants On Behalf Of The Charleston County Board Of Assessors; To Provide For The Recording Of Assessed Property Valuations On The Auditor's Books And To Apply Revised Assessments To Property Taxes In Arrears; And To Amend Sections 65-3405.3, 65-3405.4, As Amended, 65-3405.5 And 65-3405.10, Code Of Laws Of South Carolina, 1962, Relating To The Powers And Duties Of The Charleston County Board Of Assessors And The Tax Assessor And The Appropriations Therefor, So As To Further Provide For The Powers And Duties Of The Board Of Assessors And To Provide Funds For The Board Through A Tax Levy.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Charleston County Board of Assessors—signing of papers.—Vouchers, checks or warrants on behalf of the Charleston County Board of Assessors shall be signed by the chairman and secretary, or any two members authorized by the board.

SECTION 2. Assessed valuations received after July 1.—The county auditor shall not be required to place on the auditor's books delivered to the treasurer for any year assessed valuations received after July first of such year; but nothing herein contained is intended to limit or restrict the right to back tax properties on the basis of revised assessments.

SECTION 3. Section 65-3405.3 amended—officers—meetings—compensation.—Section 65-3405.3 of the 1962 Code, as amended, is further amended on line two by changing the period to a comma and adding "and another one of their members to serve as secretary." The section when amended shall read as follows:

"Section 65-3405.3. The members of the board shall, from among themselves, select one of their members to serve as chairman, and another one of their members to serve as secretary. The auditor shall not be eligible to serve as chairman of the board and can vote only in cases of a tie. The board shall meet at least once a month and more often as directed by the chairman or upon written request of at least five members of the board. Six members shall constitute a quorum. As compensation, the appointed members shall receive six hundred dollars per year and the chairman shall receive eight hundred dollars per year."

SECTION 4. Section 65-3405.4 amended—powers and duties.—Section 65-3405.4, Code of Laws of South Carolina, 1962, as amended, is further amended by striking Items (1), (2) and (3), by striking on lines one, two and three of Item (4) the following: "and see that the firm or firms employed under subsections (1), (2) and (3) hereof do likewise," by adding at the end of Item (5) the following: "and in this connection the board is authorized to enter into a contract of employment with any such tax assessor or administrator upon such terms and conditions as may be agreed upon. No such contract of employment shall exceed a term of five years;" by striking "(4)" on the first line of Item (4) and inserting "(1)", by striking "(5)" on the first line of Item (5) and inserting "(2)", by striking "(6)" on the first line of Item (6) and inserting "(3)" and by striking "(7)" on the first line of Item (7) and inserting "(4)". The section when amended shall read as follows:

"Section 65-3405.4. The board shall:

(1) Cooperate with the State Tax Commission in evaluating and assessing any taxable property in the county which the Tax Commission is authorized to assess;

(2) Employ a tax assessor or administrator who shall be specially trained and experienced in tax assessing techniques, principles of taxation and the latest standards used in evaluating property for tax purposes; and in this connection the board is authorized to enter into a contract of employment with any such tax assessor or administrator upon such terms and conditions as may be agreed upon. No such contract of employment shall exceed a term of five years;

(3) Take steps to see that all necessary measures are taken to place all taxable property on the tax books; and

(4) Have authority to promulgate rules and regulations for the enforcement of this article."

SECTION 5. Section 65-3405.5 amended—duties of tax assessor or administrator.—Section 65-3405.5 of the 1962 Code is amended on lines five and seven by striking "county council" and inserting in lieu thereof "board of assessors". The section when amended shall read as follows:

"Section 65-3405.5 The tax assessor or administrator employed by the board shall have the following duties:

(1) To employ and control, subject to such rules and regulations as may be adopted by the board of assessors, personnel sufficient to carry out the provisions of this article, at such salaries as may be fixed by the board of assessors;

(2) To take measures to place all taxable property in the county on the tax books; and

(3) To keep the tax system up-to-date by tax map revisions, with the cooperation of the county public works director, and by routine periodic reassessments, and to adjust the same from time to time to reflect shifting or changing values of such property."

SECTION 6. Section 65-3405.10 amended—tax levy.—Section 65-3405.10 of the 1962 Code is amended by striking it in its entirety and inserting in lieu thereof the following:

"Section 65-3405.10. Beginning July 1, 1966, funds sufficient to carry out the purposes of this article shall be provided by an annual tax levy pursuant to law."

SECTION 7. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 18th day of February, 1966.

(R802, H2044)

No. 774

An Act To Amend Section 38-61.1, Code Of Laws Of South Carolina, 1962, Relating To The Drawing Of Petit Jurors, So As To Increase The Number Of Jurors In Beaufort County.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Item (2) of Section 38-61.1 amended—number of petit jurors.—Item (2) of Section 38-61.1 of the 1962 Code is amended on line two by striking “Beaufort,”. The item when amended shall read as follows:

“(2) *Thirty-six or forty jurors.*—In the counties of Abbeville, Bamberg, Fairfield, Jasper and Marion, the jury commissioners shall draw only thirty-six petit jurors, unless in their discretion a greater number is needed at the approaching term of court, in which event the jury commissioners shall draw forty petit jurors.”

SECTION 2. Item (6) of Section 38-61.1 amended—number of petit jurors.—Item (6) of Section 38-61.1 of the 1962 Code is amended by striking it in its entirety and inserting in lieu thereof the following:

“(6) *Fifty jurors.*—Notwithstanding the provisions of Section 38-61, the jury commissioners of Beaufort, Florence and Horry Counties may draw fifty petit jurors.”

SECTION 3. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 18th day of February, 1966.

(R803, H2058)

No. 775

An Act To Repeal Act No. 356 Of 1965 Creating The McCormick County Economic Opportunity Commission.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Act 356 of 1965 repealed.—Act No. 356 of 1965 is repealed.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 18th day of February, 1966.

(R806, S528)

No. 776

An Act Requiring Vital Statistics Reports In Lancaster County, Now Filed In The Clerk Of Court's Office, To Be Filed With The County Health Department.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Lancaster County Health Department to have bureau of vital statistics.—The Lancaster County Health Department shall maintain a bureau of vital statistics for the county under the supervision of the director of the county health department and all persons formerly required to file birth, fetal death and death certificates in the office of the clerk of court for the county shall file them with the county health department in conformance with schedules established by the State Board of Health. The department, through its bureau, shall keep and preserve such certificates as a public record as formerly required by the clerk of court. The county health department shall have an impression seal and shall issue copies of such vital statistics reports to any person requesting them, upon the payment of the fees fixed by law. Such copies, when duly certified under seal by the department, shall be prima facie evidence of the facts therein contained in any court of competent jurisdiction. All fees collected by the county health department for issuance of certified copies of birth and death certificates shall be turned over to the county treasurer monthly and the treasurer shall issue his receipt therefor.

SECTION 2. Reports to be transferred to Health Department.—Vital statistics reports now in the custody of the clerk of court shall be transferred to the custody of the Lancaster County Health Department.

SECTION 3. Issuance of birth certificates.—The county health department or the director thereof may issue birth certificates and

base the issuance thereof on such evidence as set forth in Regulation 30 of the State Board of Health, Bureau of Vital Statistics, irrespective of the date of birth of the applicant.

SECTION 4. Force and effect.—Copies of certificates made by the director of the county health department shall have the same force and effect as those issued by the State Department of Health.

SECTION 5. Certain persons to file records with Health Department.—All persons, hospitals, institutions, funeral directors, and others responsible for filing birth, fetal death and death certificates in Lancaster County shall file these certificates with the Lancaster County Health Department in conformance with schedules established by the State Board of Health.

SECTION 6. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 25th day of February, 1966.

(R807, S529)

No. 777

An Act To Increase The Number Of Petit Jurors That May Be Drawn In Sumter County.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Number of jurors for Sumter County.—Notwithstanding the provisions of Section 38-61, Code of Laws of South Carolina, 1962, in Sumter County the jury commissioners may draw fifty petit jurors.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 25th day of February, 1966.

(R811, H2010)

No. 778

An Act To Authorize The Governor And State Treasurer To Effect Multiple Sales Of State General Obligation Bonds And To Require That Those Who Bid On Such Bonds Submit Pro-

posals For All Bonds So Offered As Though They Constituted But A Single Issue.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Findings of General Assembly.—The General Assembly finds that, by several statutes, the Governor and the State Treasurer are authorized and empowered to effect the issuance of general obligation bonds of the State of South Carolina. Such statutes require such bonds to be sold at public sale, and that they be awarded to the bidder offering to take them at the lowest interest cost to the State. No provision of law now exists empowering the Governor and the State Treasurer to offer, at the same time, different issues of State general obligation bonds under conditions requiring bidders to bid for all of the bonds so offered, as though they constituted a single issue, and to award all of the bonds so offered to the bidder naming the lowest rate on all issues so offered, in lieu of awarding the bonds on the basis of bids received for each issue so offered. Varying market conditions might result in a better overall interest cost to the State if the Governor and the State Treasurer were empowered to make multiple offerings as a single issue and to award the bonds on such a basis. On the basis of the foregoing, the General Assembly has determined to empower the Governor and the State Treasurer to treat, as though they were a single issue, State general obligation bonds sold at the same time, notwithstanding that such bonds be issued under different statutes, for different purposes, and the maturity schedules of the issues so offered are dissimilar.

SECTION 2. Persons bidding on State bond issues may be required to submit bids as single issue.—Whenever the Governor and the State Treasurer shall be empowered by law to issue general obligation bonds of the State, they may receive bids on more than one issue at the same time and, in such event, may impose as a condition to bidding a requirement that all who shall bid shall submit proposals for all bonds then offered as though such bonds constituted only a single issue of bonds. Under such circumstances, the fact that more than one issue of bonds is offered, and the maturity schedules of the issues are dissimilar, shall be disregarded and the bonds shall be awarded to the bidder whose bid prescribes the lowest interest cost, calculated on the basis that all bonds then issued constituted but a single issue of bonds, rather than more than one issue of bonds.

SECTION 3. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 25th day of February, 1966.

(R815, H1954)

No. 779

An Act To Amend Section 12-758, Code Of Laws Of South Carolina, 1962, Relating To The Powers Of Charitable, Social And Religious Corporations, So As To Reinstate Powers Which Were Inadvertently Repealed By The Business Corporation Act, And To Ratify Actions Taken By Such Corporations In Reliance Upon The Repealed Sections.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 12-758 amended—powers of charitable, social and religious corporations.—Section 12-758 of the 1962 Code is amended by striking out commencing on line two the words “in addition to the powers conferred on all private corporations by Section 12-101”, and by adding at the end of the section the following:

“(5) To have succession, by its corporate name, for the period limited in its charter and, when no period is limited, in perpetuity;

(6) To sue and be sued;

(7) To use a common seal and to alter the same at pleasure;

(8) To hold, purchase, lease, mortgage or otherwise dispose of and convey such real and personal estate as is limited by its charter or, if not so limited, such an amount as the business of the corporation requires;

(9) To appoint such subordinate officers and agents as the business of the corporation requires, prescribe their duties and fix their compensation; and

(10) To make bylaws not inconsistent with any existing law for the management of its property or the regulation of its affairs.”
When so amended Section 12-758 shall read as follows:

“Section 12-758. Every corporation chartered under this chapter shall have the following powers:

(1) To make contracts and to loan money, under such regulations as may be fixed in the bylaws of the said corporation, possessing the same powers in such respects as individuals now enjoy;

(2) To borrow money for the purpose of carrying out the objects of its charter, to make notes, bonds or other evidences of debt and to secure the payment of its obligations by mortgage or deed of trust on all or any of its property and franchises, both real and personal;

(3) To expel or suspend members or associates;

(4) To enforce the collection of dues and charges under such penalties as may be provided in the bylaws;

(5) To have succession, by its corporate name, for the period limited in its charter and, when no period is limited, in perpetuity;

(6) To sue and be sued;

(7) To use a common seal and to alter the same at pleasure;

(8) To hold, purchase, lease, mortgage or otherwise dispose of and convey such real and personal estate as is limited by its charter or, if not so limited, such an amount as the business of the corporation requires;

(9) To appoint such subordinate officers and agents as the business of the corporation requires, prescribe their duties and fix their compensation; and

(10) To make bylaws not inconsistent with any existing law for the management of its property or the regulation of its affairs."

SECTION 2. Certain actions ratified.—All actions taken by charitable, social and religious corporations provided for in Chapter 13 of title 12 of the 1962 Code authorized by the powers enumerated in former Section 12-101 of the Code are hereby ratified and declared to be legal in all respects.

SECTION 3. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 25th day of February, 1966.

An Act To Amend Sections 14-1551 And 14-1552, Code Of Laws Of South Carolina, 1962, Relating To The County Commissioners Of Colleton County, So As To Create A Board Of Administrators For The County; To Amend Section 14-1553, Code Of Laws Of South Carolina, 1962, Relating To Vacancies In The Office

Of The Supervisor And Of Commissioners, So As To Delete County Commissioners Therefrom; And To Amend Section 14-1554, Code Of Laws Of South Carolina, 1962, Relating To Boards Of County Commissioners, So As To Make Such Boards Applicable To County Administrators; To Abolish The Colleton County Board Of Commissioners; And To Repeal Sections 14-1557, 14-1558, 14-1571 And 14-1572, Relating To Bonds And Compensation For County Commissioners Of Colleton County; The Clerk And Engineer To The Commissioners; And Purchases By The County.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 14-1551 amended—Board of Administrators of Colleton County created.—Section 14-1551, Code of Laws of South Carolina, 1962, is amended by striking it out and inserting in lieu thereof the following :

“Section 14-1551. On January 1, 1967, there shall be created the Board of Administrators of Colleton County which shall be composed of five members, one of whom shall be the county supervisor who shall serve ex officio and shall be chairman of the board. The members of the board who take office on January 1, 1967, other than the county supervisor, shall be elected in the general election of 1966. Two members shall be residents of the area and elected by the qualified electors of the county west of a line established by the center of U. S. Highway No. 15 from the Edisto River to the center of the City of Walterboro and thence along the center of U. S. Highway No. 17A from its junction with U. S. Highway No. 15 in a southwesterly direction to the junction of the Combahee River, and two members shall be residents of the area and elected by the qualified electors of the county east of this line. The terms of office of the members shall be for four years and until their successors are elected and qualify, except of those members first elected, one member from each residence area receiving the highest number of votes in the general election shall serve for terms of four years and the two members receiving the next highest number of votes shall serve for two years. In case of a vacancy a successor shall be elected for the unexpired portion of the term.”

SECTION 2. Ballots to be of different colors.—The election commissioners shall furnish to those voting precincts serving some voters who live in the eastern division and some voters who live in the

western division different colored ballots so that voters casting their ballots for administrators from the eastern division or the western division may be easily identified.

SECTION 3. Section 14-1552 amended—Board of Administrators to be governing body of county—powers and duties.—Section 14-1552, Code of Laws of South Carolina, 1962, is amended by striking it out and inserting in lieu thereof the following:

“Section 14-1552. The County Board of Administrators shall be the governing body of the county. The board shall be charged with the administration of county affairs, including but not limited to:

(a) The hearing all budget requests and the preparation of the annual budget for the operation of the affairs of the county which shall be submitted to the county legislative delegation including the resident senator or if none at least one-half of the senators of the district for final approval.

(b) The formulation and implementation of personnel policies for county employees including supervision of insurance programs; except that the rights of the constitutional officers of the county boards, commissions, department heads, the county supervisor, the auditor, and the treasurer to select their own personnel shall not be infringed.

(c) The purchasing of all supplies and equipment by the county and the maintenance of inventory records thereon and to invite bids by public notice and to use the State purchasing office where practicable.

(d) Approval of expenditures from the contingent fund as it may be established from time to time by law.

(e) The supervision of all buildings and grounds owned by the county.

(f) The acquisition of property by purchase or gift.

(g) The adoption, use and alteration of a corporate seal.

(h) The leasing or sale of property owned by the county.

(i) The making of contracts for the county.

(j) The exercise of the power of eminent domain within the county.

(k) The exercise of all powers vested by law on or before midnight, December 31, 1966, in the former County Board of Commissioners.”

SECTION 4. Section 14-1554 amended—bond of administrators.—Section 14-1554 of the 1962 Code is amended on line one by striking the word “commissioners” and inserting “administrators”. The section when amended shall read as follows:

“Section 14-1554. The county administrators shall each give bond in the sum of two thousand dollars. Such bonds shall be executed and approved as to form and sufficiency in the same manner as provided with respect to the bond of the county supervisor.”

SECTION 5. Section 14-1553 amended—county supervisor—vacancies.—Section 14-1553, Code of Laws of South Carolina, 1962, is amended by striking “or county commissioners” on line two. The section when amended shall read as follows:

“Section 14-1553. Any vacancy in the office of county supervisor shall be filled for the unexpired term by appointment of the Governor, upon the recommendation of the County legislative delegation, or a majority thereof.”

SECTION 6. When terms of commissioners to cease.—All members of the county board of commissioners shall cease to serve as such as of midnight, December 31, 1966.

SECTION 7. Sections 14-1557, 14-1558, 14-1571 and 14-1572 repealed.—Sections 14-1557, 14-1558, 14-1571 and 14-1572, Code of Laws of South Carolina, 1962, are repealed.

SECTION 8. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 2nd day of March, 1966.

(R818, S478)

No. 781

An Act To Amend Section 23-175, Code Of Laws Of South Carolina, 1962, As Amended, Relating To Voting Precincts In Georgetown County, So As To Further Provide Therefor.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Georgetown County voting precincts designated.—Section 23-175 of the 1962 Code, as amended, is further amended to read as follows:

"Section 23-175. In Georgetown County there shall be the following voting precincts: Andrews; Bethel; Brown's Ferry; Carver's Bay at or near Dave Bass' place; Cedar Creek; Choppe; Georgetown No. 1 at or near the Fire Hall; Georgetown No. 2 at or near Stewart's Store, 2112 Taylor Street; Georgetown No. 3 at or near West Chevrolet Used Car Lot; Georgetown No. 4 at or near the National Guard Armory; Georgetown No. 5 Maryville at or near Wards Store; Georgetown No. 6 at or near the Ball Park; Grier's at or near Joe Rice's Store; Yauhannah at or near Young's Cross Roads; Murrell's Inlet at or near Edward D. Byrd's Store; Myersville; Pawley's Island at or near the Lachicotte Mercantile Company Store; Pennyroyal; Plantersville; Pleasant Hill at or near Pleasant Hill school house; Potato Bed Ferry; Sampit at or near Bourne's old store; Santee; Winyah Bay, at or near Belle Isle Gardens; Snow Mill; Spring Gulley at or near Edgar C. Morris Filling Station; Folly Grove, Kensington at or near Kensington Lumber Company and Black River at or near Temus Howard's Store."

SECTION 2. Time effective.—This act shall take effect upon its approval by the Governor.

Approved the 2nd day of March, 1966.

(R820, S542)

No. 782

An Act To Authorize The City Of Gaffney In Cherokee County To Redefine The Wards Of The City So As To Equalize The Population Of Each.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. City of Gaffney may redefine wards.—The City Council of Gaffney is authorized to redefine the wards of the city so as to make the population of each substantially the same according to the official 1960 United States Census and to redefine each ward for the same purpose in 1971 and each ten years thereafter.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 2nd day of March, 1966.

(R823, H2018)

No. 783

An Act To Amend Section 14-886, Code Of Laws Of South Carolina, 1962, Relating To Additional Allowance For Expenses, Clerical Help And Other Assistance In Anderson County, So As To Delete The Requirement That Clerical Help Shall Be Paid Only On Vouchers.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 14-886 amended—additional allowance for expenses and clerical help.—Section 14-886, Code of Laws of South Carolina, 1962, is amended by adding a period after the word “assistance” on line seven and striking the remainder of the section. The section when amended shall read as follows :

“Section 14-886. In addition to the provisions set out in Section 14-881 the General Assembly may from year to year provide for additional allowance of expenses and clerical help or other assistance for such officials as it may think proper, such provision to be made in the annual appropriation act for said county or by other statutory enactment. But the officials mentioned in Section 14-881 shall not in any manner profit by the moneys paid for clerical help or other assistance.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 2nd day of March, 1966.

(R824, H2051)

No. 784

An Act To Amend Sections 44-601 And 44-603, Code Of Laws Of South Carolina, 1962, Relating To The State Service Bureau, So As To Change The Name To The Department Of Veterans' Affairs.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 44-601 amended—Department of Veterans' Affairs created.—Section 44-601, Code of Laws of South Carolina, 1962, is amended by striking the words “Service Bureau” commencing on line one and inserting in lieu thereof the words “Department

of Veterans' Affairs" and by striking the word "Bureau" on line five and inserting in lieu thereof the word "Department" so that when amended the section shall read as follows:

"Section 44-601. A Department of Veterans' Affairs is hereby created for the purpose of assisting ex-servicemen in securing the benefits to which they are entitled under the provisions of Federal legislation and under the terms of insurance policies issued by the Federal Government for their benefit. This Department shall be under the direct supervision of a commission consisting of the Governor as chairman, the Attorney General for the purpose of giving legal advice and the Adjutant and Inspector General."

SECTION 2. Section 44-603 amended—location of office.—Section 44-603, Code of Laws of South Carolina, 1962, is amended by striking the words "State Service Bureau" on line one and inserting in lieu thereof the word "Department" so that when amended the section shall read as follows:

"Section 44-603. The office of the Department herein provided for shall be located in Columbia in space provided by the State Budget and Control Board."

SECTION 3. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 2nd day of March, 1966.

R825, H2093)

No. 785

An Act To Delete Winona Voting Precinct In Florence County.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Winona voting precinct in Florence County deleted.—Notwithstanding the provisions of Section 23-174, Code of Laws of South Carolina, 1962, as amended, Winona voting precinct in Florence County is deleted.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 2nd day of March, 1966.

(R830, H2110)

No. 786

An Act To Amend Section 42-581, Code Of Laws Of South Carolina, 1962, Relating To The Orangeburg County Library Commission, So As To Provide A Change In The Composition Thereof.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 42-581 amended—Orangeburg County Library Commission created.—Section 42-581, Code of Laws of South Carolina, 1962, is amended by striking it out and inserting :

“Section 42-581. The Orangeburg County Library Commission is hereby created which shall consist of the County Superintendent of Education, ex officio, the President of the Orangeburg County Teachers’ Association, ex officio, and five citizens of Orangeburg County, one of whom shall be a member of the Orangeburg County Historical Society who shall be appointed by the Governor upon the recommendation of the Senator and a majority of the members of the House of Representatives from Orangeburg County. The terms of office of the five appointed members shall be four years and until their successors have been appointed and qualify. In case of any vacancy a successor shall be appointed for the unexpired term in the manner provided above. The appointed member of the commission added by the provisions of this act shall serve for a term which shall expire at the same time as the present member of the board whose term expires in 1969 and until his successor is appointed and qualifies.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 2nd day of March, 1966.

(R832, H2118)

No. 787

An Act To Provide For Road Assessments By Counties On Land Acquired From The United States And Situate Adjacent To The Clarks Hill Reservoir.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Road assessments by certain counties.—The governing body of any county may provide for the payment of the cost of construction of roads on any land acquired by such county from the United States and is situate adjacent to the Clarks Hill Reservoir by levying upon the owners of the property immediately abutting the road an assessment in proportion to their share of the cost of the road including interest based on the assessed value of such owners' property.

SECTION 2. Further.—The auditor of the county shall levy such assessment upon the abutting property owners upon the completion of the roads.

SECTION 3. Property owner may avoid payment of interest.—A property owner may at the time the assessment is made pay his proportionate share and thereby avoid the payment of interest.

SECTION 4. Assessment to constitute lien.—The assessment upon such property shall constitute a lien having the same priority as the lien for taxes.

SECTION 5. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 2nd day of March, 1966.

(R833, H2130)

No. 788

An Act To Amend Section 23-157, Code Of Laws Of South Carolina, 1962, Establishing Voting Places In Anderson County, So As To Further Provide For Voting Wards In The City Of Anderson; To Provide For The Establishment Of Polling Places In Areas Annexed In The Future To The City Of Anderson And To Repeal Section 2 Of Act No. 969 Of 1964 Relating To Voting Precincts In The City Of Anderson.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 23-157 amended—Anderson County voting precincts designated.—Section 23-157 of the 1962 Code is amended to read as follows:

“Section 23-157. In Anderson County there shall be the following voting precincts:

City of Anderson, Ward I. Beginning at the intersection of the centerline of North Main Street and the centerline of Concord Road; thence northeastwardly along the centerline of Concord Road to the new city limits; thence along the new city limits in a clockwise direction to the centerline of East Greenville Street; thence southwestwardly along the centerline of East Greenville Street to the intersection with the centerline of East Mauldin Street; thence westwardly along the centerline of East Mauldin Street to the intersection with the centerline of North Main Street; thence northwardly along the centerline of North Main Street to the beginning corner.

City of Anderson, Ward II. Beginning at the intersection of the centerline of North Main Street and the centerline of East Mauldin Street; thence eastwardly along the centerline of East Mauldin Street to the intersection with the centerline of East Greenville Street; thence northeastwardly along the centerline of East Greenville Street to the new city limits; thence along the new city limits in a clockwise direction to the centerline of East Calhoun Street; thence southwestwardly and westwardly along the centerline of East Calhoun Street to the intersection with the centerline of North Main Street; thence northwardly along the centerline of North Main Street to the beginning corner.

City of Anderson, Ward III. Beginning at the intersection of the centerline of North Main Street and the centerline of East Calhoun Street; thence eastwardly and northeastwardly along the centerline of East Calhoun Street to the new city limits; thence along the new city limits in a clockwise direction to the old city limits where the Carolina and Northwestern Railroad intersects the old city limits (one mile radius); thence northwestwardly and westwardly along the centerline of the Carolina and Northwestern Railroad to the intersection of the centerline of North Main Street; thence northwardly along the centerline of North Main Street to the beginning corner.

City of Anderson, Ward IV. Beginning at the intersection of the centerline of North Main Street and the centerline of the Carolina and Northwestern Railroad; thence eastwardly and southeastwardly along the centerline of the Carolina and Northwestern Railroad to the old city limits (one mile radius); thence in a clockwise direction along the old city limits to the centerline of South Main Street; thence northwardly along the centerline of South Main Street to the beginning corner.

City of Anderson, Ward V. Beginning at the intersection of the centerline of North Main Street and the centerline of West Whitner

Street; thence southwardly along the centerline of South Main Street to the old city limits (one mile radius); thence along the old city limits in a clockwise direction to the centerline of West Whitner Street; thence eastwardly along the centerline of West Whitner Street to the beginning corner.

City of Anderson, Ward VI. Beginning at the intersection of the centerline of North Main Street and the centerline of West Mauldin Street; thence southwardly along the centerline of North Main Street to the centerline of West Whitner Street; thence westwardly along the centerline of West Whitner Street to the old city limits (one mile radius); thence along the old city limits in a clockwise direction to the centerline of the Carolina and Northwestern Railroad; thence along the new city limits in a clockwise direction to the centerline of West Mauldin Street; thence eastwardly along the centerline of West Mauldin Street to the beginning corner.

City of Anderson, Ward VII. Beginning at the intersection of the centerline of North Main Street and the centerline of West Fredericks Street; thence southwardly along the centerline of North Main Street to the centerline of West Mauldin Street; thence westwardly along the centerline of West Mauldin Street and the extension thereof to the centerline of the Carolina and Northwestern Railroad; thence along the new city limits in a clockwise direction to the point of its intersection with the extension of the centerline of West Fredericks Street; thence along this extension and along the centerline of West Fredericks Street eastwardly to the beginning corner.

City of Anderson, Ward VIII. Beginning at the intersection of the centerline of North Main Street and the centerline of West Fredericks Street; thence westwardly along the centerline of West Fredericks Street and the extension thereof to the new city limits; thence along the new city limits in a clockwise direction to the centerline of Concord Road; thence southwestwardly along the centerline of Concord Road to the centerline of North Main Street; thence, southwardly along the centerline of North Main Street to the beginning corner.

Appleton Mill; Barker's Creek; Belton; Belton Mill; Bishop's Branch; Blair Mill; Bowling Green; Broadway; Brushy Creek; Cedar Grove; Centerville; Chiquola Mill; Concrete; Corner; Craytonville; Denver; Edgewood; Equinox; Five Forks; Flat Rock; Fork No. 1; Fork No. 2; Friendship; Gluck Mill; Green Pond; Groce School; Hall; Hammond School; High Point; Homeland Park; Honea Path; Hopewell; Iva; Jackson Mill; LaFrance; McAdams; Melton; Mount Tabor; Mountain Creek; Mountain View;

Neal's Creek; Orr Mill; Pelzer No. 1; Pelzer No. 4; Pendleton; Piedmont; Piercetown; Riverside-Toxaway; Rock Mill; Rock Spring; Sandy Springs; Saylor's Cross Roads; Shirley's Store; Simpsonville; Starr; Three and Twenty; Toney Creek; Townville; Walker-McElmoyle; West Pelzer; West Savannah; White Plains; Williamston; Williamston Mill; and Wright's School.

Following the annexation to the City of Anderson of any area not including a voting place and before a polling place has been established, it shall be lawful for any qualified voter residing in such area at the time of the annexation to vote in any general, special, municipal or primary election, if otherwise qualified, upon production of a registration certificate showing that he is duly registered in the precinct from which the annexed area was taken. Any voter participating in such election must vote at the polling place in the municipality nearest his residence and must furnish the managers with evidence satisfactory to them of his residence within the annexed area. When any person has voted under the provisions of this section, one of the managers shall forthwith write across the back of his registration certificate the word 'voted' with the date on which the election is held and the initials of the manager."

SECTION 2. Section 2 of Act 969 of 1964 repealed.—Section 2 of Act No. 969 of 1964 is repealed.

SECTION 3. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 2nd day of March, 1966.

(R834, H2141)

No. 789

An Act To Amend Act 418 Of 1965, Relating To Fishing Sanctuaries In Horry County, So As To Provide That Game Wardens May Patrol The Fishing Sanctuaries.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 1 of Act 418 of 1965 amended—certain areas in Horry County to be fishing sanctuaries.—Section 1 of Act 418 of 1965 is amended by adding at the end thereof the following: "Game wardens may patrol the fishing sanctuaries in boats propelled

by motors to enforce the provisions of this act." The section when amended shall read as follows:

"Section 1. An area of two miles on the Waccamaw River from Wortham's Ferry near the North Carolina line running westward for a distance of two miles; an area from the mouth of Big Bee Tree Lake to the mouth of Timber Lake; an area from the mouth of Simpson Creek to Little Savannah Bluff landing; and an area beginning at the mouth of Simpson Creek and running up such creek for a distance of one-half mile, all of which are in Horry County; are hereby declared to be fishing sanctuaries and no fishing, seining, netting or boats propelled by motors will be allowed in such areas. The South Carolina Wildlife Resources Commission shall erect signs clearly showing that fishing and motor boating are prohibited in such areas and designating the limits of such areas. Game wardens may patrol the fishing sanctuaries in boats propelled by motors to enforce the provisions of this act."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 2nd day of March, 1966.

(R836, S517)

No. 790

An Act To Amend Section 65-1523, Code Of Laws Of South Carolina, 1962, As Amended, Relating To Specific Property Tax Exemption, So As To Further Provide For Brookgreen Gardens.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Item (103) of Section 65-1523 amended—tax exemption for Brookgreen Gardens.—Item (103) of Section 65-1523 of the 1962 Code is amended on lines six and seven by striking "without charge or impost": The item when amended shall read as follows:

"(103) *Brookgreen Gardens.*—The lands conveyed to Brookgreen Gardens and such lands or other property as may be owned or acquired by said corporation shall be exempt from all State, county, school or municipal taxes, so long as said gardens shall be maintained and said lands used exclusively for the purposes of gardens and the

public admitted thereto under such reasonable restrictions as may be necessary ;”.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 4th day of March, 1966.

(R838, H1966)

No. 791

An Act To Amend Section 47-375.2, Code Of Laws Of South Carolina, 1962, Relating To The Election And Terms Of Office Of Municipal Officeholders In The City Of Darlington, So As To Make Further Provision For Such Elections.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 47-375.2 amended—City of Darlington—election and terms of municipal officials.—Section 47-375.2 of the 1962 Code is amended by adding at the end thereof the following: “No candidate for municipal office in the city of Darlington shall be declared elected unless he has received a majority of the votes cast for such office. In the event that no candidate receives a majority of the votes cast for any such office, then a second election shall be held two weeks after the first election. The number of candidates participating in the second election shall be twice the number of vacancies to be filled and such candidates shall be those who received the highest number of votes in the first election.” The section as amended shall read as follows :

“Section 47-375.2. The mayor of the city of Darlington shall serve for a term of four years and until his successor is duly elected and qualifies. The three candidates for city council in the city of Darlington receiving the highest number of votes in the initial election having been elected to serve for a term of four years and until their successors are duly elected and qualify and the three candidates for city council receiving the next highest number of votes having been elected to serve for a term of two years and until their successors are duly elected and qualify, all subsequent terms of councilmen shall be for a period of four years. No candidate for municipal office in the city of Darlington shall be declared elected unless he has received a majority of the votes cast for such office. In the event that no can-

didate receives a majority of the votes cast for any such office, then a second election shall be held two weeks after the first election. The number of candidates participating in the second election shall be twice the number of vacancies to be filled and such candidates shall be those who received the highest number of votes in the first election."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 4th day of March, 1966.

(R841, S560)

No. 792

An Act To Amend Section 33-1451, Code Of Laws Of South Carolina, 1962, Relating To The Supervisor Of Roads In Beaufort County, So As To Make Such Office Elective.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 33-1451 amended—supervisor of roads in Beaufort County to be elected.—Section 33-1451 of the 1962 Code is amended to read as follows :

"Section 33-1451. There shall be elected in Beaufort County a supervisor of roads. His term of office shall be for four years and his salary shall be fixed in the annual county appropriation act. The supervisor shall have charge of organizing and managing the construction, maintenance and repairs of roads and bridges of Beaufort County under the general supervision of the county governing body and shall perform such other duties as it shall direct."

SECTION 2. Date of first election.—The first election for supervisor of road for Beaufort County under Section 33-1451 of the 1962 Code, as amended, shall be in the general election of 1966.

SECTION 3. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 11th day of March, 1966.

(R842, S571)

No. 793**An Act Making It Unlawful To Trap Fur-Bearing Animals In Anderson County.**

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Unlawful to trap fur-bearing animals in Anderson County.—It shall be unlawful to trap fur-bearing animals in Anderson County.

SECTION 2. Penalties.—Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not less than one hundred dollars nor more than five hundred dollars or be imprisoned for not less than thirty days nor more than six months.

SECTION 3. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 11th day of March, 1966.

(R843, S572)

No. 794**An Act To Provide For The Creation Of The Old Pendleton District Historical Commission For Anderson, Oconee And Pickens Counties.**

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Old Pendleton District Historical Commission created—members—terms—vacancies—officers—employ personnel.—There is hereby created a Historical Commission for Anderson, Oconee and Pickens Counties to be known as Old Pendleton District Historical Commission. The Commission shall be composed of six members, two each from Anderson, Oconee and Pickens Counties, who shall be appointed by the Governor on recommendation by a majority of the county legislative delegation of the respective counties. The members of the Commission shall be appointed for terms of four years, except the first appointments of members shall be one from Anderson for four years, one from Anderson for one year, one from Oconee for three years, one from Oconee for two years, one from Pickens for three years, one from Pickens for two

years and thereafter all appointments shall be for four year terms. They shall serve until their successors are appointed and qualify. In case of any vacancy, the appointment to fill the vacancy shall be made in the same manner as provided for the original appointment. The commissioners, upon being appointed, shall meet and elect a chairman and secretary-treasurer. The members of the Commission shall serve without compensation. They may employ a director and a secretary who shall perform such duties as the Commission may direct. Compensation paid the director and secretary shall be fixed by the Commission.

SECTION 2. Powers and duties.—The Commission may, without regard to the laws and procedures applicable to State agencies, procure supplies, services and property and make contracts and expend in furtherance of this act funds donated or funds received and may, within the limits of statutory authority, exercise those powers that are necessary to enable it to carry out efficiently and in the public interest the purposes of this act.

The Commission shall have the authority to procure and purchase books, documents, transcripts of documents, or other historical materials, paintings, works of art or any artistic objects of historic interest; to collect and preserve objects of interest pertaining to natural history of Anderson, Oconee and Pickens Counties or the State of South Carolina and other like property; to arrange and catalogue them; to provide for their restoration when necessary; to provide for public display, examination and use in the furtherance of the cultural life of Anderson, Oconee and Pickens Counties and the State; to purchase or lease property or buildings necessary to establish and conduct a museum of history and natural science; to mortgage or pledge its real or personal property, and to receive funds, grants, donations and appropriations for the purpose of establishing and operating a museum of history and natural science. The Commission shall have full authority to operate, maintain and expand the collection or museum so far as its funds allow. The Commission may enter into agreements, leases, working arrangements with other museums, art centers, or eleemosynary corporations or with State or Federal departments or agencies in the acquisition of historic sites or historic objects or in the purchase, development and operation of historic properties, pageants or dramas for the cultural and economic development of the three county area.

SECTION 3. Accept donations—cooperate with other agencies.

—The Commission is authorized to accept donations of money, property or personal services; to cooperate with national, state, civic, patriotic, hereditary and historical groups and institutions of learning; and to call upon State and Federal departments or agencies for their advice and assistance in carrying out the purposes of this act.

SECTION 4. Powers and duties further.—The Commission shall select markers and appropriately mark and designate points and places of historical interest in the three counties. The Commission shall be responsible for the operation and upkeep of such historical sites. It shall receive and disburse funds, accept donations, and compile, print and sell historical pamphlets. In addition, the Commission shall advise the county legislative delegations on matters of historical interest in the three counties.

SECTION 5. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 11th day of March, 1966.

(R845, H1081)

No. 795

An Act To Amend Section 46-807, Code Of Laws Of South Carolina, 1962, Relating To Parking Of Motor Vehicles On Private Property, So As To Provide That Vehicles Towed Away And Stored May Be Sold.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 46-807 amended—parking on private property without permission—removal of vehicles—lien for towing and storage—sale of.—Section 46-807, Code of Laws of South Carolina, 1962, is amended by adding at the end thereof the following:

“It shall be lawful for any proprietor, owner and operator of any storage place, garage or towing service of whatever kind, which shall have towed away and stored any such vehicle, to have the vehicle sold at public outcry to the highest bidder upon the expiration of thirty days after written notice by certified mail has been given to the owner of the vehicle at his last known address that the towing and storage

charges are due and such vehicle shall be sold by any regular or special constable appointed by any court of competent jurisdiction in the county in which the towing was performed or the vehicle was stored. Any regular or special constable shall, before selling the vehicle, advertise it for at least fifteen days by posting a notice in three public places in the county of sale, one of which shall be the courthouse door or bulletin board. He shall, after deducting all proper costs and commissions, pay to the claimant the money due to him, taking his receipt for it, after which he shall deposit the receipt, as well as the items of costs and commissions, with the remainder of the money or proceeds of the sale, in the office of the clerk of the court, subject to the order of the owner thereof, or his legal representatives, and shall issue a bill of sale to the highest bidder. The regular or special constable who shall sell the vehicle shall be entitled to receive the same commissions as are allowed by law for the sale of personal property by constables. Any such sale shall be made for cash to the highest bidder after the notice shall have been given and the true result of such sale shall be forthwith made known to the original owner of the article so sold by notice addressed to the last known address of such owner. *Provided*, however, that any such sale shall be subject to any outstanding lien recorded on the title certificate for such vehicle, which lien shall remain in full force and effect to the same extent as if such sale had not been held. In the event that the title certificate shows an unsatisfied lien, notice shall also be given to the lienholder in addition to the owner as above provided, and in addition thereto the officer selling said vehicle shall furnish to the lienholder the name and address of the purchaser of said vehicle. The bill of sale to the highest bidder shall clearly state that said vehicle is subject to the lien or liens of recorded lienholders." The section when amended shall read as follows:

"Section 46-807. It shall be unlawful for any person to park a motor-driven or other vehicle on the private property of another without the owner's consent, if the property owner shall post a notice in a conspicuous place on the borders of such property near each entrance prohibiting such parking. Proof of the posting shall be deemed and taken as notice conclusive against the person making entry.

Any motor-driven or other vehicle found parked on private property as provided in this section may be towed away and stored at the expense of the vehicle owner, and such towing and storage charge shall constitute a lien against such vehicle.

It shall be lawful for any proprietor, owner and operator of any storage place, garage or towing service of whatever kind, which shall have towed away and stored any such vehicle, to have the vehicle sold at public outcry to the highest bidder upon the expiration of thirty days after written notice by certified mail has been given to the owner of the vehicle at his last known address that the towing and storage charges are due and such vehicle shall be sold by any regular or special constable appointed by any court of competent jurisdiction in the county in which the towing was performed or the vehicle was stored. Any regular or special constable shall, before selling the vehicle, advertise it for at least fifteen days by posting a notice in three public places in the county of sale, one of which shall be the courthouse door or bulletin board. He shall, after deducting all proper costs and commissions, pay to the claimant the money due to him, taking his receipt for it, after which he shall deposit the receipt, as well as the items of costs and commissions, with the remainder of the money or proceeds of the sale, in the office of the clerk of the court, subject to the order of the owner thereof, or his legal representatives, and shall issue a bill of sale to the highest bidder. The regular or special constable who shall sell the vehicle shall be entitled to receive the same commissions as are allowed by law for the sale of personal property by constables. Any such sale shall be made for cash to the highest bidder after the notice shall have been given and the true result of such sale shall be forthwith made known to the original owner of the article so sold by notice addressed to the last known address of such owner.

Provided, however, that any such sale shall be subject to any outstanding lien recorded on the title certificate for such vehicle, which lien shall remain in full force and effect to the same extent as if such sale had not been held. In the event that the title certificate shows an unsatisfied lien, notice shall also be given to the lienholder in addition to the owner as above provided, and in addition thereto the officer selling said vehicle shall furnish to the lienholder the name and address of the purchaser of said vehicle. The bill of sale to the highest bidder shall clearly state that said vehicle is subject to the lien or liens of recorded lienholders."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 11th day of March, 1966.

(R849, H2154)

No. 796

An Act To Amend Section 47-1222, Code Of Laws Of South Carolina, 1962, Providing For The Limitation On The Height Of Buildings Of Fireproof Construction In The City Of Columbia, So As To Increase Such Limitation.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 47-1222 amended—height of buildings for City of Columbia.—Section 47-1222 of the 1962 Code is amended by striking the word “eighteen” on line three and inserting the word “forty” and by striking the words “two hundred and twenty-five” on line three and inserting the words “four hundred and eighty”. The section when amended shall read as follows:

“Section 47-1222. The limitation as to height of buildings of fireproof construction in the city of Columbia shall be forty stories or four hundred and eighty feet.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 10th day of March, 1966.

(R850, H2166)

No. 797

An Act To Amend Section 14-2904, Code Of Laws Of South Carolina, 1962, Relating To The Bonds Of Officers Of McCormick County, So As To Require The Magistrate At The Town Of McCormick To Post A Five Thousand Dollar Bond; And To Amend The Code Of Laws Of South Carolina, 1962, By Adding Section 43-911.1, So As To Provide For The Disposition And Keeping Of Records Of Fines, Penalties And Forfeitures By The Magistrate At The Town Of McCormick, To Require The Magistrates at Parkville And Willington To Turn Over Collections Each Month To The County Treasurer, To Prohibit The Suspension Of Sentences And The Granting Of Time To Pay Fines By Magistrates Of McCormick County, And To Provide Penalties For Violations.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 14-2904 amended—bonds of McCormick County officers.—Section 14-2904, Code of Laws of South Carolina, 1962, is amended by striking on line eleven

“Magistrates (each) 500.00”
and inserting:
“Magistrates, Parksville and Willington (each) 500.00
Magistrate, McCormick 5,000.00”

so that, when so amended, the section shall read:

“Section 14-2904. The official bonds of the several county officers of the county shall be in the sums hereinafter stated for each:

County treasurer	\$ 10,000.00
County auditor	2,500.00
County superintendent of education	2,500.00
Clerk of court	5,000.00
County supervisor	5,000.00
Sheriff	2,500.00
Master	5,000.00
Tax collector	5,000.00
Magistrates, Parksville and Willington (each)	500.00
Magistrate, McCormick	5,000.00

No bond shall be required of the coroner. The premiums on all such bonds shall be paid for by the county.”

SECTION 2. Section 43-911.1 added—McCormick County Magistrates—disposition of monies—records—not to suspend sentences—penalties.—The Code of Laws of South Carolina, 1962, is amended by adding the following new section:

“Section 43-911.1. (a) The magistrate at the Town of McCormick shall deposit on the day received all money collected by him in such manner and place as shall be determined by the governing body of the county. He shall, on the last working day of each month, pay out of such account to the treasurer of the county all money received by him on account of fines, penalties or forfeitures during the past month but leaving therein any bonds in cases pending or on appeal, which payment shall be accompanied by a record of the title of each case in which a fine has been paid or bond forfeited, the nature of the offense and the amount thereof. He shall, in addition to his other duties, keep a record of all warrants issued by him.

(b) Magistrates at Parksville and Willington shall turn over to the treasurer of the county on the last working day of each month

all money received by them on account of fines, penalties or forfeitures during the past month.

(c) No magistrate of McCormick County shall suspend a sentence or grant a convicted defendant time in which to pay a fine in any case.

(d) Any magistrate violating the provisions of this section shall be dismissed from office by the Governor upon satisfactory evidence of such violation being presented to him."

SECTION 3. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 11th day of March, 1966.

(R851, H2170)

No. 798

An Act To Amend Act No. 162 Of The Acts Of 1965, Relating To The Designation Of Emergency Vehicles In Lee County, So As To Make Further Provision Therefor.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 1 of Act 162 of 1965 amended—designation of emergency vehicles in Lee County.—Section 1 of Act No. 162 of the Acts of 1965 is amended by inserting on line three between the words "fires," and "are" the following: "and vehicles of the Bishopville Rescue Squad while on emergency calls". When amended, the section shall read as follows:

"Section 1. Vehicles of rural fire departments and vehicles of individual members of rural fire departments in Lee County, while traveling to fires or reported fires, and vehicles of the Bishopville Rescue Squad while on emergency calls are designated and shall be deemed to be authorized emergency vehicles."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 11th day of March, 1966.

(R853, S506)

No. 799**An Act To Amend Act 278 Of The Acts Of 1965, Relating To Voting Precincts In Beaufort County, So As To Alter The Effective Dates Of New Boundaries.**

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 2 of Act 278 of 1965 amended—effective dates for new boundaries.—Section 2 of Act 278 of 1965 is amended by striking it in its entirety and inserting in lieu thereof the following :

“Section 2. The new boundaries for voting precincts in Beaufort County shall take effect on September 1, 1967. All voter registration for the decennial registration beginning in the fall of 1967 shall be by the appropriate precinct.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 11th day of March, 1966.

(R854, H2027)

No. 800**An Act To Provide For A Retirement System For Members Of The General Assembly And To Provide For The Administration Thereof.**

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Definitions.—The following words and phrases as used in this act, unless a different meaning is plainly required by the context, shall have the following meaning :

(1) “System” shall mean the Retirement System for members of the General Assembly of the State of South Carolina.

(2) “State” shall mean the State of South Carolina.

(3) “Board” shall mean the State Budget and Control Board.

(4) “Member of the System” shall mean any person included in the membership of the system, as set forth in Section 4 hereof.

(5) “Credited service” shall mean service for which credit is allowable as provided in Section 5 hereof.

(6) “Retirement allowance” shall mean monthly payments for life under the system payable as provided in Section 8 hereof.

(7) "Beneficiary" shall mean any person in receipt of a retirement allowance or other benefit as provided by the system.

(8) "Aggregate contributions" shall mean the sum of all the amounts deducted from the compensation of a member of the system, or directly remitted by him to the system, and credited to his individual account in the system.

(9) "Regular interest" shall mean interest compounded annually at such rate as shall be determined by the board in accordance with Section 3.

(10) "Accumulated contributions" shall mean the member's aggregate contributions, together with regular interest thereon.

(11) "Actuarial equivalent" shall mean a benefit of equal value when computed on the basis of the tables and regular interest rate last adopted by the board, as provided in Section 3.

(12) "Date of establishment" shall mean January 1, 1966.

SECTION 2. Retirement system created for members of General Assembly.—A retirement system is hereby created and placed under the administration of the board to provide retirement allowances and other benefits for members of the General Assembly. The system shall begin operation as of January 1, 1966. It shall have the power and privileges of a corporation and shall be known as the Retirement System for members of the General Assembly of the State of South Carolina, and by such name all of its business shall be transacted, all of its funds invested, and all of its cash, securities and other property held.

SECTION 3. Budget and Control Board to administer system—duties.—(1) The general administration and responsibility for the proper operation of the system and for making effective the provisions hereof are hereby vested in the State Budget and Control Board.

(2) The board shall engage such actuarial and other services as shall be required to transact the business of the system.

(3) The board shall designate an actuary who shall be the technical advisor of the board on matters regarding the operation of the system and shall perform such other duties as are required in connection therewith.

(4) At least once in each five-year period following the date of establishment, the actuary shall make an actuarial investigation into the mortality, service and compensation experience of the members

and beneficiaries of the system and shall make a valuation of the contingent assets and liabilities of the system. The board, after taking into account the results of such investigations and valuations, shall adopt for the system such mortality, service and other tables as shall be deemed necessary.

(5) On the basis of regular interest and tables last adopted by the board, the actuary shall make an annual valuation of the contingent assets and liabilities of the system.

(6) The board shall keep in convenient form such data as shall be necessary for the actuarial valuation of the contingent assets and liabilities of the system and for checking the experience of the system.

(7) The board shall determine from time to time the rate of regular interest for use in all calculations, with the rate of four per cent per annum applicable unless changed by the board.

(8) Subject to the limitations hereof, the board shall, from time to time, establish rules and regulations for the administration of the system and for the transaction of business.

(9) The board shall keep a record of all its proceedings under this act which shall be open to public inspection. All persons employed by the board and the expenses of the board shall be paid from the annual general appropriations act of the State.

SECTION 4. Persons eligible.—(1) All persons who are members of the General Assembly on the date of establishment of the system shall become members of the system as of such date, except that, within six months from such date, any such person may irrevocably elect not to be a member of the system. All other persons shall become members of the system on their taking office as members of the General Assembly.

(2) If a member of the system shall, before he has attained age sixty, cease to be a member of the General Assembly for reasons other than death, he shall thereupon cease to be a member of the system; *provided*, however, that if he has completed eight or more years of credited service, he may elect, by irrevocable written election filed with the system within six months from the cessation of his membership in the General Assembly, to continue his membership in the system and to have his contributions retained in the system and thereafter to be either:

(i) a non-contributing special member of the system, not entitled to any additional credited service, or

(ii) a contributing special member of the system, who shall contribute, by direct remittance to the system not later than June thirtieth in each year prior to the year in which he attains age sixty, in the same amount as if he had remained a member of the General Assembly, and who shall be entitled to credited service for each such year; *provided*, that, if in any year he shall fail to make such contribution, he shall thereupon be deemed to have made an irrevocable election to become a non-contributing special member as set forth in (i) above.

(3) Notwithstanding any other provision of law, no person shall be entitled to receive duplicate credits or benefits, for the same period of service, under this system and any other retirement system to which the State contributes, with respect to such service, except that credited service hereunder and under the South Carolina Retirement System may be combined for, and only for, satisfaction of the credited service condition for eligibility for a retirement benefit under the South Carolina Retirement System.

(4) Should any member of the System in any period of five consecutive years after becoming a member be absent from service more than four years, withdraw his contributions or become a beneficiary or die, he shall thereupon cease to be a member.

SECTION 5. Creditable service.—(1) The credited service of a member shall include all service as a member of the General Assembly since he last became a member of the system and in respect of which he makes contributions to the system. It shall also include, in the case of a member of the system who (a) became such on the date of establishment and (b) remained a member of the system continuously thereafter until his death or his retirement under the system, service which he was, or would be, entitled to claim as creditable service under the South Carolina Retirement System, notwithstanding that he may not have been a member of the South Carolina Retirement System; *provided*, that within six months of the date he becomes a member of the system, he shall have caused the full amount of his contributions required to be made under the South Carolina Retirement System in respect of such service to be paid to this system by transfer or otherwise.

(2) When membership in the system ceases for any reason other than death or retirement, the service previously credited to the member of the system shall be cancelled and, should he again become a

member of the system, he shall enter the system as a new member of the system not entitled to credit for previous service.

SECTION 6. Retirement allowance at age sixty.—(1) Any member of the system who has attained age sixty shall be retired by the board on a retirement allowance upon his written application therefor, and shall thereupon become a beneficiary, provided he is no longer in the service of the State, whether as a member of the General Assembly or otherwise. The date of retirement shall be the first day of a calendar month which occurs not less than thirty days nor more than ninety days subsequent to the filing of such application.

(2) Upon such retirement, the retired member shall receive a monthly service retirement allowance which shall be equal to five dollars multiplied by the number of years of his credited service.

SECTION 7. Optional allowances.—Until the first payment on account of a retirement allowance becomes normally due, any beneficiary may elect, by filing written application with the board, to convert the retirement allowance otherwise payable on his account after retirement into a retirement allowance of equivalent actuarial value under one of the optional forms named below.

Option 1. A reduced retirement allowance payable during the beneficiary's life, with the provision that the reduced allowance shall continue after his death to and for the life of the contingent beneficiary designated by him in such application, if such contingent beneficiary survives him.

Option 2. A reduced retirement allowance payable during the beneficiary's life, with the provision that one-half of the reduced allowance shall continue after his death to and for the life of the contingent beneficiary designated by him in such application, if such contingent beneficiary survives him.

SECTION 8. Allowances to be paid monthly.—All retirement allowances shall be payable in monthly installments ceasing with the last payment prior to death; *provided*, that if a member of the system has elected an optional allowance the provisions thereof shall apply.

SECTION 9. Payment to persons who cease to be members.—Should a member cease to be a member of the system, for reasons other than death, he shall be paid as promptly as feasible after his request, but in no event later than six months after such cessation, his aggregate contributions. Should he die before payment

has been made, the amount of his aggregate contributions shall be paid to such person as he shall have nominated by written designation filed with the board, otherwise to his estate.

SECTION 10. Payment upon death of members.—(1) Upon the death of any member of the system, a lump sum amount shall be paid to such person as he shall have nominated by written designation, filed with the board, otherwise to his estate. Such lump sum amount shall be equal to the amount of his accumulated contributions.

(2) Upon the death of a beneficiary who has not elected an optional form of allowance under Section 7 hereof, a lump sum amount shall be paid to such person as he shall have last nominated by written designation, filed with the board, otherwise to his estate. Such lump sum amount shall be equal to the excess, if any, of his accumulated contributions at the time his allowance commenced over the sum of the retirement allowance payments made to him.

(3) Notwithstanding anything herein to the contrary, if a member of the system dies while in the service of the State, whether as a member of the General Assembly or otherwise, after he has attained age sixty-five, or after he has attained age sixty and completed at least twenty years of credited service, the person nominated by him to receive the lump sum amount in subsection (1) above may elect to receive, in lieu of such lump sum payment, an allowance for life in the same amount as if the deceased member of the system had retired at the time of his death and had named such persons as contingent beneficiary under Option 1 of Section 7.

SECTION 11. Allowances to stop upon return to service.—Should any beneficiary return to the service of the State, whether as a member of the General Assembly or otherwise, his retirement allowance shall cease and any optional election shall be null and void.

If such return is as a member of the General Assembly, he shall be a contributing member of the system, and shall be credited with all service standing to his credit at the time of his retirement; the retirement allowance payable upon his subsequent retirement shall be based on the total of his credited service rendered before and after his return to service.

If such return is in a position other than as a member of the General Assembly, he shall, upon cessation of service in such position or positions, be entitled to apply for a retirement allowance hereunder

at the same rate to which he was previously entitled, disregarding any reduction therein resulting from a previous election of an option.

SECTION 12. Contributions of present members to be transferred to system—deductions.—(1) Each member of the General Assembly on January 1, 1966, who is not retired under the South Carolina Retirement System and who becomes a member of this System as of such date, is hereby authorized and required to cause the full amount of his contributions made to the system to be transferred to the system promptly upon the approval of this act. Thereafter no transfer of funds shall be made between the two systems.

(2) Each member of the system shall contribute one hundred ninety-two dollars in each calendar year, commencing with the calendar year 1966. Such contributions shall be made through payroll deductions in the case of members of the General Assembly or through direct remittance by contributing special members as set forth in Section 4 (2) (ii) of this act.

(3) Every member of the system who is a member of the General Assembly shall be deemed to consent and agree to the deductions made and provided for herein, and shall receipt for his full salary or compensation, and payment of salary or compensation less such deduction shall be a full and complete discharge and acquittance of all claims and demands whatsoever for the services rendered by such person during the period covered by such payments, except as to the benefits provided under the system.

(4) Each of the amounts so deducted or directly remitted shall be credited to the individual account of the member from whose compensation the deduction was made, or from whom the direct remittance was received.

SECTION 13. Contributions by State.—The contributions of the State to the system shall be determined by the board each year on the basis of annual actuarial valuations of the system.

Each year the board shall certify to the State the amount of its contribution due the system. The State's contributions shall be appropriated annually from the general fund to the system, and shall include such sums as are found necessary in order to create reserves in the system sufficient (i) to cover the cost of the allowances currently accruing under this act, (ii) to include a contribution, each year, toward the cost of prior service credits, and (iii) to cover any

administrative expenses which the board may incur in the operation of the system.

SECTION 14. Director of system.—There is hereby created an office to be known as Director of the Retirement System for Members of the General Assembly of the State of South Carolina. The Director of the South Carolina Retirement System shall serve as Director of this system.

SECTION 15. Board to be trustee of funds.—(1) The board shall be the trustee of the funds of the system, may invest and reinvest such funds, may hold, purchase, sell, assign, transfer and dispose of any of the securities and investments in which any of the funds created herein shall have been invested, as well as the proceeds of such investments and any moneys belonging to such fund, all in such manner as funds of the South Carolina Retirement System are invested and reinvested.

(2) Except as otherwise herein provided, no member of or person employed by the board shall have a direct interest in the gains or profits of any investment made by the board. No member of the board or employee of the board shall, directly or indirectly, for himself or as an agent in any manner use the funds of the system except to make such current and necessary payments as are authorized by the board; nor shall any member or employee of the board become an endorser or surety, or in any manner an obligor, for moneys loaned or borrowed from the board.

SECTION 16. State Treasurer to be custodian of funds.—(1) The State Treasurer shall be the custodian of the funds of the system. All payments from such funds shall be made by him only upon vouchers signed by two persons designated by the board. No voucher shall be drawn unless it has previously been authorized by resolution of the board.

(2) For the purpose of meeting disbursements for retirement allowances and other payments, there may be kept available cash, not exceeding ten per cent of the total funds of the system, on deposit with the State Treasurer.

SECTION 17. Assets to be in two accounts.—(1) All of the assets of the system shall be credited, according to the purpose for which they are held, to one of two accounts; namely, the members' account and the accumulation account.

(2) The members' account shall be the account in which shall be held the contributions made by members.

(3) The accumulation account shall be the account in which shall be held all reserves for the payment of the part of all retirement allowances and other benefits payable from contributions made by the State, and from which shall be paid all retirement allowances payable under the system. All interest and dividends earned on the funds of the system shall be credited to the accumulation account. If a beneficiary is restored to membership, the part of his contributions then standing to his credit shall be transferred from the accumulation account to the members' account.

SECTION 18. Allowances exempt from taxes and attachment.

—The right of a person to a retirement allowance or to the return of contributions, a retirement allowance itself, any optional allowance or payment on death or any other right accrued or accruing to any person under the provisions of this act and the moneys of the system created hereunder are hereby exempted from any State or municipal tax and exempted from levy and sale, garnishment, attachment or any other process whatsoever and shall be unassignable except as herein specifically otherwise provided.

SECTION 19. State not to be obligated for system.—All agreements or contracts with the members of the system pursuant to any of the provisions of this act shall be deemed solely obligations of the system and the full faith and credit of the State and of its departments, institutions and political subdivisions is not, and shall not be, pledged or obligated beyond the amounts which may be hereafter annually appropriated in the annual general appropriations act of the State, and other periodic appropriations for the purpose of this act.

SECTION 20. Exempt from taxes.—All property owned or acquired by the system for the purposes of this act shall be exempt from all taxes imposed by the State or any political subdivision thereof.

SECTION 21. Penalties.—Any person who shall knowingly make any false statement, or shall falsify or permit to be falsified any record of the system in any attempt to defraud the system, as a result of such act shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine not exceeding five hundred dollars or imprison-

ment not exceeding twelve months, or both in the discretion of the court.

SECTION 22. Appropriation.—There is hereby appropriated for the purposes of implementing this act the following sums:

(1) Forty-five hundred dollars for the installation and operation of the system for the six months ending June 30, 1966; and

(2) Seventy-five hundred dollars for the operation of the system for the fiscal year 1966-67.

SECTION 23. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 11th day of March, 1966.

(R855, H2179)

No. 801

An Act To Amend Section 43-1012.3, Code Of Laws Of South Carolina, 1962, Relating To The Jurisdiction Of Magistrates In Spartanburg County, So As To Limit The Jurisdiction In Criminal Cases To Offenses Which Occur Within The Limits Of The Magisterial District.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 43-1012.3 amended—jurisdiction of magistrates in Spartanburg County.—Section 43-1012.3, Code of Laws of South Carolina, 1962, is amended by striking on line four the words "county-wide jurisdiction" and inserting "jurisdiction of cases where the offense occurs within the limits of the magisterial district" so that, when so amended, the section shall read:

"Section 43-1012.3. In civil cases the magistrates shall have jurisdiction of cases where the defendant resides within the territorial limits of the magisterial district; in criminal cases the magistrates shall have jurisdiction of cases where the offense occurs within the limits of the magisterial district, subject, however, to the right of any party to have his cause removed upon a proper showing. The magistrates shall have jurisdiction throughout the county to issue warrants of arrest, to hold preliminary examinations and perform any and all duties provided for by the general laws with reference to the powers and duties of such magistrates."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 11th day of March, 1966.

(R856, H2184)

No. 802

An Act To Provide That Fines Collected in Drunken Driving Cases In Anderson County Be Equally Divided Between the County And The Municipality.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Disposition of fines collected in drunken driving cases in Anderson County.—In all prosecutions for violation of Section 46-343, Code of Laws of South Carolina, 1962, relating to driving a vehicle under the influence of intoxicating liquor, and when such offense is committed within the corporate limits of any municipality in Anderson County and when municipal officers are solely responsible for discovering the violation or producing the witnesses or the evidence upon which a conviction is had, the fines collected for such violation, as provided by Section 46-345, Code of Laws of South Carolina, 1962, shall be equally divided between the county and such municipality. The municipality's portion shall be paid upon vouchers issued by the governing body of the county after approval of a claim duly filed setting forth the case and the witnesses produced.

SECTION 2. Time effective.—This act shall take effect July 1, 1966.

Approved the 11th day of March, 1966.

(R857, H2204)

No. 803

An Act To Create The Greenwood Voting Precinct In Florence County.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Greenwood voting precinct created in Florence County.—Notwithstanding the provisions of Section 23-174, Code

of Laws of South Carolina, 1962, as amended, there is hereby created the Greenwood voting precinct in Florence County, which shall include Greenwood, Witherspoon, Hewitt, Tara Village Developments and all that area immediately adjacent thereto. The place of polling shall be Greenwood Elementary School.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 11th day of March, 1966.

(R858, H2213)

No. 804

An Act To Amend Section 51-268, Code Of Laws Of South Carolina, 1962, As Amended, Relating To Tax Support For The Activities Of The Cooper River Park And Playground Commission In Charleston County, So As To Increase The Tax Levy Authorized To Meet The Costs Of Operating And Maintaining Parks, Playgrounds And Recreational Facilities Within The Commission's Jurisdiction From Four Mills To Five Mills.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 51-268 amended—commission may levy tax.—Section 51-268 of the 1962 Code, as amended, is further amended on line six by striking the word “four” and inserting the word “five”. The section when amended shall read as follows:

“Section 51-268. The commission may levy upon all taxable property within its jurisdiction, being all of that area in Charleston County north of the City of Charleston and known as North Charleston Consolidated Public Service District (as delineated on a plat recorded March 30, 1960 in the RMC Office for Charleston County in Plat Book M, Page 111) a tax of not exceeding five mills per annum to meet the costs of operating and maintaining parks, playgrounds and recreational facilities in that area. Such tax shall be levied by the county auditor and collected by the county treasurer, who shall keep it in a separate fund, applicable solely to the purpose for which it is levied.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 11th day of March, 1966.

(R860, H1337)

No. 805

An Act To Amend The Code Of Laws Of South Carolina, 1962, By Adding Section 23-374.1, So As To Provide For Notice Of Candidacy, Pledge And Assessment Payable By Candidates For The Office Of State Senator; To Amend Section 23-372 Of The 1962 Code, Relating To Primary Candidates, So As To Provide That Candidates For State Senator Shall Qualify At The Same Time As Countywide Offices And To Further Provide For The Reopening Of The Books For Such Office; To Amend Section 23-373, As Amended, Of The 1962 Code, Relating To The Notice Or Pledge Of Primary Candidates, So As To Delete The Office Of State Senator From The Provisions Thereof; To Amend Section 23-265 Of The 1962 Code, Relating To The Pledge To Be Filed Concerning The Influencing Of Votes In Certain Manners, So As To Provide For The Place Where Candidates For The Office Of State Senator Shall File Such Pledge; To Amend Section 23-374 Of The 1962 Code, Relating To Assessments Of Primary Candidates, So As To Provide For The Office Of State Senator In Single-County Districts; To Amend Section 23-264, As Amended, Of The 1962 Code, Relating To Nominations By Convention, So As To Provide For The Nomination Of The Office Of State Senator; To Amend The Code Of 1962 By Adding Section 23-267, So As To Provide That No Party Shall Nominate Candidates For State Senator From Any County In Excess Of The Number Of Resident Senators Authorized; To Provide That No Person May Seek More Than One Senate Office In Any Election Year; To Provide For The Additional Filing By Candidates For The Office Of State Senator In Certain Multi-County Districts, To Require All Candidates From The Same County To File For The Same Senate Office, To Provide For The Procedure Therefor And To Provide For The Secretary Of State In Such Cases To Furnish A List Of Candidates To Respective Political Parties; To Prohibit Candidates For Petition For State Senator In 1966 Only; To Provide For The Numbering Of All Seats In Multi-County Districts Having More Than One Senate Office And To Provide That All Candidates For The Office Of State Senator In Districts Assigned The Same Number Of Offices As Counties Must Run For The Numbered Office Assigned Their County; To Provide That All Candidates For The Office Of State Senator In Multi-County Districts And Residents Of The Same County

Shall Compete For The Same Numbered Office; To Provide That All Provisions Of Title 23 Of The 1962 Code Governing A State Office Shall Apply To The Office Of State Senator Except Where Otherwise Provided; To Provide That The Election For The Office Of State Senator Shall Be District Wide; And To Require A Voter To Vote In Each State Senate Office Election In His District Except In Single-County Multi-Senator Districts.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 23-374.1 added—filing for office of State Senator—fees in multi-county districts.—The Code of Laws of South Carolina, 1962, is amended by adding Section 23-374.1 to read as follows:

“Section 23-374.1. Every candidate for selection in a primary election as the nominee of a political party for the office of State Senator shall file with and place in the possession of the county chairman of the county in which he resides, or such other officer as may be named by the county committee of the county in which he resides, at the same time as those wishing to offer for nomination in such primary for countywide or less than countywide office, a notice or pledge as required by Section 23-373. In multi-county senatorial districts, the amounts of assessments to be paid by candidates for the office of State Senator at the time and place of filing, notwithstanding the provisions of Section 23-374, shall be fixed by a majority of the county chairmen of the counties in the respective districts and shall be prorated among the county committees of the counties comprising the district in proportion to the number of precincts in each county. *Provided*, if such chairmen of any district fail to reach agreement within three days after the opening for entries the state executive committee shall fix the fee. *Provided, further*, that in 1966 only the chairmen shall have seven days in which to reach such agreement.”

SECTION 2. Section 23-372 amended—nomination of candidates by primary election.—Section 23-372 of the 1962 Code is amended by inserting between the words “for” and “a” on line ten the words “State Senator,” and by striking the period at the end and adding “; *provided*, that for the office of State Senator, the discretion shall be exercised by the State committee.” When so amended, the section shall read as follows:

“Section 23-372. In the event that a party shall nominate candidates by party primary election, a party primary election shall be held by such party on the second Tuesday in June of each general election year and a second and third primary election each two weeks successively thereafter, if necessary. The entries for those wishing to offer for nomination in such party primary for a Statewide, congressional or district office which includes more than one county shall open at noon on the day after the day the State convention convenes and close at noon two weeks thereafter, and the entries for those wishing to offer for nomination in such party primary for State Senator, a countywide or less than countywide office shall open at noon on the day the county convention convenes and close at noon two weeks thereafter. If, after the closing of the time for filing pledges, there be not more than two candidates for any one office and one or more of such candidates dies or withdraws, the State or county committee, as the case may be, may, in its discretion, afford opportunity for the entry of other candidates for the office involved; *provided*, that for the office of State Senator, the discretion shall be exercised by the State committee.”

SECTION 3. Section 23-373 amended—notice and pledge of candidates—unsuccessful candidates not to run in general election.—Section 23-373 of the 1962 Code, as amended, is further amended by striking “the office of State Senator,” on line nineteen. When so amended, the section shall read as follows:

“Section 23-373. Every candidate for selection as the nominee of any political party for any State office, United States Senator, member of Congress or solicitor, to be voted for in any party primary election, shall file with and place in the possession of the treasurer of the State committee by twelve o'clock noon on the third Thursday following the State convention a notice or pledge in the following form, the blanks being properly filled in and the notice or pledge signed by the candidate: “I hereby file my notice as a candidate for the nomination as _____ in the primary election to be held on _____ I affiliate with the _____ Party, and I hereby pledge myself to abide by the results of said primary and to support in the next general election all candidates nominated in said primary and I authorize the issuance of an injunction upon ex parte application by the party chairman, as provided by law, should I violate this pledge by offering or campaigning for election to this office in the ensuing general election.”

Every candidate for selection in a primary election as the nominee of any political party for member of the House of Representatives and all county and township offices shall file with and place in the possession of the county chairman or such other officer as may be named by the county committee of the county in which they reside by twelve o'clock noon on the third Tuesday following the county convention a like notice and pledge.

The notice of candidacy required by this section to be filed by a candidate in a primary must be signed personally by the candidate, and such signature of the candidate must be signed in the presence of the county chairman or such other officer as may be named by the county committee with whom such candidate is filing, or a candidate must have his signature on the notice of the candidacy acknowledged and certified by any officer authorized to administer an oath. Any notice of candidacy of any candidate signed by an agent in behalf of a candidate shall not be valid.

In the event that a person who was defeated as a candidate for nomination to an office in a party's primary election shall thereafter offer or campaign as a candidate against any nominee for election to any office in the ensuing general election, the State Chairman of the party which held such primary (if the office involved is one voted for in the general election by the electors of more than one county), or the County Chairman of the party which held such primary (in the case of all other offices), shall forthwith institute an action in a court of competent jurisdiction for an order enjoining such person from so offering or campaigning in the general election, and the court is hereby empowered upon proof of such facts to issue such order."

SECTION 4. Section 23-265 amended—pledge of candidates.—

Section 23-265 of the 1962 Code is amended by adding at the end thereof the following: "*Provided*, that the pledge required by this section shall be filed by each candidate for the office of State Senator with the clerk of court of the county in which he resides." so that when amended the section shall read as follows:

"Section 23-265. Every candidate in an election, general, special or primary, shall make the following pledge and file it with the clerk of court of common pleas for the county in which he is a candidate, unless he should be a candidate in more than one county in which he shall file it with the Secretary of State, before he shall enter upon his campaign, to wit: 'I, the undersigned _____,

of the county of _____, and State of South Carolina, candidate for the office of _____, hereby pledge that I will not give money or use intoxicating liquors for the purpose of obtaining or influencing votes and that I shall, at the conclusion of the campaign and before the election, render to the clerk of court (or Secretary of State, as the case may be), under oath, an itemized statement of all moneys spent or provided by me during the campaign for campaign purposes up to that time; and I further pledge that I will immediately after the election render an itemized statement, under oath, showing all further moneys spent or provided by me in said election.'

A failure to comply with this provision shall render such election null and void, in so far as concerns the candidate who fails to file the statements herein required, but shall not affect the validity of the election of any candidate complying with this section. Such itemized statements and pledge shall be open to public inspection at all times. Any violation of the provisions of the pledge required in this section shall be a misdemeanor, and any person, upon conviction thereof, shall be fined not less than one hundred dollars nor more than five hundred dollars or be imprisoned at hard labor for not less than one month nor more than six months, or be punished by both such fine and such imprisonment, in the discretion of the court. *Provided*, that the pledge required by this section shall be filed by each candidate for the office of State Senator with the clerk of court of the county in which he resides."

SECTION 5. Section 23-374 amended—assessments to be paid by candidates—setting of.—Section 23-374 of the 1962 Code is amended by adding at the end thereof the following: "The county committee shall fix the assessment for the office of State Senator in all single-county districts." When so amended, the section shall read as follows:

"Section 23-374. The amounts of assessments to be paid by candidates at the time of the filing of the notice of candidacy shall be fixed as to each office by the State or county committee, as the case may be, with whom the notice and pledge has to be filed hereunder for such office. The county committee shall fix the assessment for the office of State Senator in all single-county districts."

SECTION 6. Only one office for Senator may be sought.—No person shall be permitted to seek more than one office of State Senator in any election year.

SECTION 7. Section 23-264 amended—nomination of candidates—by convention—for Senator.—Section 23-264 of the 1962 Code, as amended, is further amended by adding at the end thereof the following: “*Provided*, further, that the nomination of the party’s candidates for the offices of State Senator shall be made in such manner as may be determined by the State committee.” When so amended, the section shall read as follows:

“Section 23-264. In the event that a party shall nominate candidates by conventions, the State convention shall nominate the party’s candidates for Governor, Lieutenant Governor and all other State-wide officers and United States Senators, members of Congress and circuit solicitors, and the county conventions shall nominate the party’s candidates for all county offices. No convention shall make nominations for candidates for offices unless the decision to use the convention method is reached by a three-fourths vote of the total membership of such convention. No convention shall make nominations for one or more offices at the convention and order primaries for other offices to be filled during the same election year. Conventions for political parties not nominating candidates in primaries may be called by State and county committees on other dates than those given in this Title for conventions after three weeks’ published notice of such calls. If nominations are made by conventions, the nominations shall be certified to the Secretary of State for State offices and to the boards of election commissioners for county offices at least sixty days before the general election. *Provided*, that any political party nominating candidates by party convention shall nominate the party candidates and make the nominations public not later than the date and time fixed for the closing of primary entries. *Provided*, further, that the nomination of the party’s candidates for the offices of State Senator shall be made in such manner as may be determined by the State committee.”

SECTION 8. Section 23-267 added—nominations for Senator not to be in excess of number authorized.—The Code of Laws of South Carolina, 1962, is amended by adding Section 23-267 to read as follows:

“Section 23-267. A party shall not nominate candidates for the office of State Senator from any county in a district in excess of the number of resident Senators authorized by law for such county.”

SECTION 9. Filing for Senator in certain multi-county districts.—(a) Each candidate for the office of State Senator in three

and four county districts to which are assigned two Senate offices, regardless of political party affiliation, shall file his intention of candidacy with the Secretary of State, on such form as shall be provided by the Secretary, within the same period of time for filing as provided for such office in Section 23-372 of the 1962 Code. All such candidates who are residents of the same county must file for the same numbered office and the first to file from each county shall make the designation.

The name of any candidate who fails to comply with the provisions of this section shall not be placed on any election ballot, notwithstanding any other provision of law to the contrary.

The filing required in this section shall be in addition to any other filing required by law.

(b) Appropriate forms for the use of candidates referred to in subsection (a) shall be supplied in duplicate by the Secretary of State. Such forms shall contain space for the following information to be furnished thereon: Name of candidate; county of residence; senatorial district number; Senate office number for which a candidate; political party of candidate; whether or not nominated at time of filing; and method of nomination, convention or primary.

After completion of the form in duplicate, the Secretary of State shall acknowledge on the duplicate that the candidate has duly filed his intention of candidacy. The duplicate shall then be given to the candidate.

(c) Within five days after the time for filing has expired, the Secretary of State shall certify the list of candidates referred to in subsection (a) to the State committee of the respective political parties of the candidates.

SECTION 10. Petitions for Senator not allowed for 1966.—Notwithstanding any other provision of law to the contrary no person may be permitted to become a candidate by petition for the office of State Senator for the general election year 1966 only.

SECTION 11. Seats in certain multi-county senatorial districts to be numbered.—In all multi-county districts, to which more than one Senator has been assigned, each Senate office shall constitute a separate and distinct office to which a separate number shall be assigned within each such district as follows:

<i>District</i>	<i>Counties</i>	<i>Number assigned</i>
5	York	1
	Cherokee	2
	Union	3
10	Horry	1
	Georgetown	2
19	Orangeburg	1
	Calhoun	2
20	Sumter	1
	Clarendon	2
8	Chesterfield, Kershaw and Lee	1 and 2
9	Marion, Dillon and Marlboro	1 and 2
17	Colleton, Dorchester, Hampton and Jasper	1 and 2
22	Lexington, Newberry and Saluda	1 and 2

All candidates for the office of Senator in districts assigned the same number of Senators as there are counties must run for the numbered Senate office assigned to the county of their residence.

SECTION 12. Certain senatorial candidates to be from same county.—All candidates for the office of State Senate in multi-county districts, who are residents of the same county, shall compete for the same numbered office. Any nomination or filing in a primary made contrary to the provisions of this section shall be null and void.

SECTION 13. Certain provisions of law to apply to Senators.—All of the provisions of Title 23 of the 1962 Code governing a State office shall apply to the office of State Senator except those provisions wherein the office of State Senator is specifically referred to.

SECTION 14. Elections for Senator to be district wide.—The election for the office of State Senator in all senatorial districts shall be district wide.

SECTION 15. Electors to vote for one senatorial candidate for each office in district.—Except in single-county, multi-senator districts (in which there is no residency provision) if an elector fails to

vote for one candidate in each and every State Senate office election in his senatorial district, general, special or primary, his ballot shall not be counted in that election for any State Senate office; but this shall not vitiate the ballot, so far as properly marked. Nothing herein shall be construed to prevent any voter in a general or special election from voting for any qualified person, other than those whose names are printed on the ballot, by writing in the name of the person opposite the office.

SECTION 16. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 10th day of March, 1966.

(R861, S114)

No. 806

An Act To Amend Section 37-907, Code Of Laws Of South Carolina, 1962, Relating To Fraternal Benefit Associations, So As To Eliminate The Maximum Age Limitation For Membership.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 37-907 amended — persons eligible for membership in Fraternal Benefit Associations.—Section 37-907, Code of Laws of South Carolina, 1962, is amended by striking on line two “not less than sixteen nor more than sixty years of age,” and inserting “sixteen years of age or over” so that, when so amended, the section shall read :

“Section 37-907. An association may admit to beneficial membership any person sixteen years of age or over who has been examined by a competent physician and whose examination has been supervised and approved as provided by the laws of the association or who has made a declaration of insurability acceptable to the society, which declaration shall be unimpeachable as evidence of insurability except upon proof of wilful misstatement. But any beneficial member of such society who shall apply for a certificate providing for disability benefits need not be required to pass an additional medical examination or make an additional declaration of insurability therefor.

Nothing contained in this section shall prevent such association from accepting general or social members.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 16th day of March, 1966.

(R862, S465)

No. 807

An Act To Amend The Code Of Laws Of South Carolina, 1962, By Adding Section 17-359.1, To Permit A Judge Upon Issuance Of A Writ Of Habeas Corpus To Transfer The Matter For Hearing To Any Judge Of Any Court Of Competent Jurisdiction In The County Where The Person Was Convicted.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 17-359.1 added—judges may transfer certain habeas corpus hearings.—The Code of Laws of South Carolina, 1962, is amended by adding the following section:

“Section 17-359.1. Any judge before whom a petition for a writ of habeas corpus is made by any person confined by the State Board of Corrections in any of its places of confinement who has been tried and convicted by a court of competent jurisdiction, shall upon issuance of the writ of habeas corpus transfer the matter for hearing to any judge of any court of competent jurisdiction in the county where the person was convicted.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 16th day of March, 1966.

(R863, S509)

No. 808

An Act To Amend Section 16-333, Code Of Laws Of South Carolina, 1962, Relating To Robbery While Armed With A Deadly Weapon, So As To Further Define Deadly Weapons.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 16-333 amended—penalty for robbery with deadly weapons.—Section 16-333 of the 1962 Code is amended

on line two by inserting "pistol, dirk, slingshot, metal knuckles, razor or other deadly" between the words "a" and "weapon", and on lines two and three by striking "as defined in Section 16-145". The section when amended shall read as follows:

"Section 16-333. Any person convicted for the crime of robbery while armed with a pistol, dirk, slingshot, metal knuckles, razor or other deadly weapon shall suffer punishment by imprisonment at hard labor for a term of not exceeding twenty-five years, in the discretion of the presiding judge."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 16th day of March, 1966.

(R867, H2076)

No. 809

An Act To Change The Terms Of Office Of The Mayor And Councilmen For The Town Of Springdale In Lexington County.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Terms of mayor and councilmen for Town of Springdale in Lexington County.—The terms of the mayor and the three councilmen who received the highest number of votes in the last preceding election for the Town of Springdale in Lexington County shall serve for terms of four years. The mayor and all councilmen elected hereafter shall serve for terms of four years.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 16th day of March, 1966.

(R868, H2081)

No. 810

An Act To Provide That The Repeal Of Section 65-341, Code Of Laws Of South Carolina, 1962, As Amended, Relating To Corporate Income Tax Payment Dates, And Section 65-352, Code Of Laws Of South Carolina, 1962, As Amended, Relating To

**Allocation Of Income Tax Revenue, Shall Be Effective Only In
Regard To Tax Years Beginning Before January 1, 1970.**

Whereas, it is the purpose of this act to permit corporations affected hereby to elect to pay income taxes for taxable years commencing prior to January 1, 1970, in installments under Section 65-341, Code of Laws of South Carolina, 1962, as amended; and

Whereas, it is also the purpose of this act to restore for such limited time Section 65-352, Code of Laws of South Carolina, 1962, as amended and as relating to allocation of income tax revenue. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 65-341 to be applicable in 1970.—Section 65-341, Code of Laws of South Carolina, 1962, as amended, repealed by Part II, Section 2(e) of Act No. 247 of 1965, is hereby re-enacted only in respect to taxable years beginning before January 1, 1970.

SECTION 2. Section 65-352 to be applicable in 1970.—Section 65-352, Code of Laws of South Carolina, 1962, as amended, repealed by Part II, Section 2(e) of Act No. 247 of 1965, is hereby re-enacted only in respect to taxable years beginning before January 1, 1970, provided this section shall not apply to the estimated tax as described in Part II, Section 2 of Act No. 247 of 1965.

SECTION 3. Sections to be retroactive.—The provisions of this act shall be retroactive to May 6, 1965.

SECTION 4. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 15th day of March, 1966.

An Act To Amend Section 60-306.1, Code Of Laws Of South Carolina, 1962, Making Special Provision For Extending The Notice Of Recorded Chattel Mortgages In Certain Counties, So As To Include York Among Such Counties.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 60-306.1 amended—extending notice of recorded chattel mortgages in certain counties.—Section 60-306.1, Code of Laws of South Carolina, 1962, is amended by striking on line one the word “and” between the words “Charleston” and “Oconee” and inserting in lieu thereof a comma and by inserting on line one between the words “Oconee” and “Counties” the words “and York”. When so amended, the section will read as follows:

“Section 60-306.1. In Charleston, Oconee and York Counties at the time of filing and indexing the statement required in Section 60-306 in order to extend the notice of the recorded instrument, the original chattel mortgage or instrument in the nature of a chattel mortgage shall be re-recorded with such statement.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 16th day of March, 1966.

(R871, S557)

No. 812

An Act To Amend Act No. 128 Of 1965, As Amended, Relating To The Marion County Economic Opportunity Commission, So As To Increase The Membership.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 3 of Act 128 of 1965 amended—members and appointments.—Section 3 of Act No. 128 of 1965, as amended, is further amended by striking the word “fifteen” on line one and inserting in lieu thereof the word “twenty-seven” so that when amended the section shall read as follows:

“Section 3. The commission shall be composed of twenty-seven members who shall be appointed by the Governor upon the recommendation of the legislative delegation.”

SECTION 2. Section 4 of Act 128 of 1965 amended—terms and vacancies.—Section 4 of Act No. 128 of 1965, as amended, is further amended by striking the word “seven” on line six and inserting in lieu thereof the word “thirteen” so that when amended the section shall read as follows:

"Section 4. The terms of office of the members of the commission shall be for two years or until their successors are appointed and qualify. In the event of a vacancy in the membership of the commission, a successor for the unexpired portion of the term shall be appointed in the same manner as his predecessor. Of the initial appointees, thirteen shall serve for one year."

SECTION 3. Terms of additional members.—All additional members shall, for the purpose of this act, be considered as having commenced their respective terms at the same time as the members first provided for.

SECTION 4. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 18th day of March, 1966.

(R873, S561)

No. 813

An Act To Amend Section 33-74.1, Code Of Laws of South Carolina, 1962, As Amended, Relating To Construction And Maintenance By The State Highway Department Of Roadside Parks And Related Facilities, So As To Further Provide For Landscape And Scenic Enhancement Along State Highways And To Authorize The Department To Establish And Maintain Information Centers.

Whereas, it has been found by the General Assembly that certain action should be taken to promote the safety, convenience and travel enjoyment of, and to protect the public investment in, highways of this State, to restore, preserve, and enhance the scenic beauty within and adjacent to such highways, and to allow the State to avail itself of three per cent nonmatching funds from the Federal Government pursuant to Title 23 of the United States Code. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 33-74.1 amended—Highway Department may construct roadside facilities and information centers.—Section 33-74.1 of the 1962 Code, as amended by Act No. 197 of 1965, is further amended to read as follows:

“Section 33-74.1. (a) Highway construction and maintenance by the State Highway Department as authorized in this Title shall include the authority to acquire strips of land along highways and to landscape and develop the strips and other lands within the highway right of way in order to restore, preserve, and enhance the scenic beauty along the highways. The Department may construct and maintain on such land public rest and recreational areas, roadside parks, sanitary and other facilities reasonably necessary to accommodate the traveling public.

(b) In order to provide information in the specific interest of the traveling public, the State Highway Department is authorized to construct and maintain such information centers at the aforesaid recreational and rest areas as it may deem desirable. For the purpose of informing the public of places of interest within the State and providing such other information as may be considered desirable, these centers shall distribute maps, informational directories and advertising pamphlets. Information centers shall be staffed by persons hired and paid by the State Development Board.

(c) The State Highway Department is authorized to enter into agreements with the United States Secretary of Commerce as provided for in Title 23 of the United States Code, relating to the establishment and operation of information centers at rest and recreational areas, and to take action in the name of the State to comply with the terms of such agreements.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 18th day of March, 1966.

(R874, S584)

No. 814

An Act To Provide A System Of County Government For Dillon County, To Define Its Powers And Duties, To Provide For A Referendum To Determine The Wishes Of The Qualified Electors, And To Repeal Sections 33-1571 Through 33-1575, Code Of Laws Of South Carolina, 1962, Relating To The Supervisor Of Roads And Road Commissioners In Dillon County.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. County Council of Dillon County created.—There is hereby created for Dillon County a system of county government which shall be known as the County Council of Dillon County and it shall have all the powers and duties as set forth in this act.

SECTION 2. Members — elections — terms — vacancies — chairman—meetings—compensation.—The council shall be composed of nine members who shall be elected for terms of four years as follows: three shall be residents of Manning Township and shall be elected by the qualified electors of that township; two shall be residents of Carmichael and Harleesville Township and shall be elected by the qualified electors of those two townships; two shall be residents of Hillsboro Township and Fork Precinct of Huggins Township and shall be elected by the qualified electors of that township and precinct; and two shall be residents of Bethea Township, Kirby Township and the Floydale and Manning Precincts of Huggins Township and shall be elected by the qualified electors of those townships and precincts.

Of the first members elected to the county council the one receiving the highest number of votes in each township shall serve for a period of four years and the remaining members of the council shall serve for a period of two years. Thereafter all members shall be elected for a period of four years. All members of the council shall be elected in the next general election after the effective date of this act.

Any vacancy on the council occurring before the expiration of the term shall be filled for the unexpired portion of the term by the same method of election as provided for the original holder of the office.

The county council shall select one of its number as chairman for such term as the council may set.

The council shall meet on the first Tuesday of each month or on the call of the chairman at such other times as may be necessary. Each member shall receive a salary of six hundred dollars per year except that the chairman shall receive a salary of nine hundred dollars per year. In addition, each member of the council shall receive twenty-five dollars per meeting for each meeting of the council attended. Five members of the council shall constitute a quorum for the transaction of official business. All meetings shall be open to the public.

SECTION 3. Employ county manager.—The county council shall employ a county manager who shall be the administrative officer for the county at such a salary, term and require such bond as determined by the council. The county council shall not elect one of its members as county manager.

SECTION 4. Commissioners abolished—council to have duties of—appointments.—All duties heretofore performed by the County Board of Commissioners of Dillon County are hereby devolved upon the county council and the board of commissioners is abolished. Any appointments in Dillon County to be made by the Governor upon the recommendation of the Senator shall henceforth be made upon the recommendation of a majority of the county council; and any such appointments now made upon the recommendation of a majority of the Dillon County Legislative Delegation shall henceforth be made upon the recommendation of a majority of the county council.

SECTION 5. Appointments further.—The county auditor and the county treasurer shall be appointed by the Governor upon the recommendation of a majority of the county council.

SECTION 6. Tax offices to be consolidated.—As soon as practicable after the organization of the county council as herein provided, the council shall proceed to consolidate the office of delinquent tax collector with that of the county treasurer's office and the duties and responsibilities of the delinquent tax collector shall devolve upon the county treasurer. The county council shall also proceed to consolidate the office of tax assessor with that of the county auditor and the duties and responsibilities of the tax assessor shall devolve upon the county auditor.

SECTION 7. Ordinances.—No ordinance of the council which levies a tax, or appropriates money, or incurs bonded indebtedness shall be valid unless the provision shall have been read at three regular meetings of the council and shall be published in a newspaper of general circulation in the county at least twenty days before the final reading. All ordinances or resolutions of the council shall be published in full at least once in a newspaper of general circulation in the county at least five days before the effective date. All proceedings of the council shall be recorded, and annually all ordinances and resolutions passed during the preceding twelve months shall

be printed and made available for distribution through the office of the council.

SECTION 8. Powers and duties.—In addition to the foregoing duties and powers, the county council is hereby empowered to legislate in reference to such matters of local concern within Dillon County as herein provided and shall have the following powers:

1. To adopt, use and alter a corporate seal.

2. (a) To acquire by purchase or gift real property in the name of Dillon County.

(b) To lease, sell or otherwise dispose of real and personal property in the name of Dillon County, including all such property now owned by the county; *provided*, that no lease or sale shall be effected except upon sealed proposals after notice thereof be given by published advertisement at least once not less than seven days prior to the occasion fixed for the opening of bids.

(c) To acquire tangible personal property and supplies.

3. To make contracts and to execute all instruments necessary or convenient for carrying out the functions committed to it.

4. To exercise the powers of eminent domain in the manner provided by the general laws of the State of South Carolina for procedure by any county, municipality, or authority organized under the laws of this State, or by the South Carolina State Highway Department, or by railroad corporations, or in any manner provided by laws, as the council may, in its discretion elect.

5. To make appropriations and to levy taxes therefor for corporate purposes and for educational purposes, to build and repair public roads, buildings and bridges, to maintain and support prisoners, pay jurors, county officers, and for litigation, quarantine and court expenses and for ordinary county purposes, to support paupers, and to pay past indebtedness.

6. To provide for the receipt, custody, allocation and disbursement of funds accruing to Dillon County.

7. To provide within the county special services which are considered necessary to public health and welfare.

8. To incur indebtedness in anticipation of the collection of taxes which have been levied.

9. To issue bonds pledging the faith and credit of Dillon County for the purposes authorized by and within the limits prescribed by the Constitution of the State of South Carolina, including educational purposes, to build and repair public roads, buildings and

bridges, to maintain and support prisoners, pay jurors, county officers, and for litigation, quarantine and court expenses and for ordinary county purposes, to support paupers, and pay past indebtedness. Bonds issued pursuant to this section shall mature serially in such manner as the county council may provide. They may contain provisions permitting their redemption prior to their stated maturity at premium figures. The council shall also be empowered to determine the rates of interest the bonds may bear, the method of their execution and sale and all other matters incident to the proper issuance and delivery of the bonds. It shall be empowered to order the levy and collection of ad valorem taxes upon all taxable property in Dillon County without limitation as to rate or amount sufficient to provide for the payment of the principal and interest on these bonds. Prior to the final adoption of any ordinance providing for the issuance of bonds pledging in any manner the taxing power of Dillon County, the question of issuing such bonds shall be submitted to the qualified electors of Dillon County at any general election, or at any special election ordered by the council for that purpose. Notice of the question to be voted upon shall be given by published advertisement thereof in a newspaper of general circulation in Dillon County at least once a week for three successive weeks prior to the occasion of the election. If the question be submitted to a special election, the council shall be empowered to fix the date of such election, and shall, not less than fifteen days before the date so fixed, notify the Board of Election Commissioners for Dillon County, who shall conduct the election, canvass the votes and announce the results of the election in the manner provided by law.

10. To enter into agreements on matters of local concern with agencies and instrumentalities of the Federal Government, the State Government, political subdivisions of the State, and educational, charitable and eleemosynary institutions.

11. To regulate, control and provide for the construction, maintenance, operation and use of public streets, roads, bridges, sidewalks, drains, courthouses, jails, buildings, prison farms, and other public improvements and facilities.

12. To prescribe methods of accounting for county officers and departments.

13. To supervise and regulate the various departments of the county, except that the duties and functions now provided by law

for the offices of the sheriff, clerk of court, probate judge, coroner, and superintendent of education shall not be altered.

14. To create such agencies and departments as may be deemed advisable, and to prescribe their duties and functions; and to alter or transfer the duties and functions of existing offices, agencies or departments.

15. To employ all county employees whose election by the people is not provided for by law and to establish policies affecting the selection, appointment, compensation, dismissal and other matters in the control of the administrative employees of the county government.

SECTION 9. Sections 33-1571 through 33-1575 repealed—duties of Road Supervisor devolved upon county manager.—Title 33, Sections 33-1571 through 33-1575, of the Code of Laws of South Carolina, 1962, is hereby repealed and the duties therein prescribed for the Road Supervisor of Dillon County shall, at the expiration of the term of the present road supervisor, devolve upon the county manager employed by the county council.

Every county official, department, commission, institution or board receiving grants or appropriations from county, state and/or Federal funds shall on or before October first of each year make a full and detailed report of its financial status, activities and expenditures for the past fiscal year, showing all balances in all accounts controlled by such official, department, commission, institution or board, together with its budget and recommendations for the coming year, to the county council. These reports and budgets shall be filed with the county council on or before October first of each year. The county council shall, from the reports, prepare a budget for the operation of the county for the ensuing year which must receive at least five votes of the members of the council before becoming effective. The county council shall cause the county budget to be published in a newspaper published in the county and such budget shall show in detail the amount of the proposed appropriations, the purposes for which they are to be made, and the millage to be levied. The publication shall be published as soon as practicable after adoption.

SECTION 10. Bond issues not to be invalidated.—The authorization to issue bonds granted pursuant to the provisions of paragraph 9 of Section 8 of this act is not intended to invalidate any authoriza-

tion to issue bonds of Dillon County previously granted pursuant to law.

SECTION 11. Referendum concerning changing form of government.—For the purpose of determining whether the present form of county government shall be changed to a county council form of government, a referendum shall be held in Dillon County on Tuesday, April 5, 1966. At such referendum the question shall be submitted to the qualified electors of the county at each voting precinct therein in the following form to be printed on the ballot: "Do you favor changing the present form of county government to that of a county council form of government?"

Yes ☐

No ☐

Those voting in favor of the question shall deposit a ballot with a check or cross mark in the square after the word 'Yes' and those voting against the question shall deposit a ballot with a check or cross mark in the square after the word 'No'."

The expenses of the referendum shall be paid from the general fund of the county.

The commissioners of election shall have printed a sufficient number of ballots and have them distributed at the voting precincts, and shall employ sufficient box managers and furnish boxes for use in the election. The commissioners shall canvass the results of the election and within ten days certify such results to the clerk of court for the county and the Secretary of State.

SECTION 12. County council created if election favorable.—

If a majority of those voting in the election vote in favor of the proposal, there is hereby created the county council form of government. Nothing herein shall prevent anyone from filing for both the county council or the county board of commissioners.

SECTION 13. Sections 33-1571 through 33-1575 repealed.—Sections 33-1571 through 33-1575, Code of Laws of South Carolina, 1962, are repealed.

SECTION 14. Filing fees—return of.—All fees paid in by a candidate for any office, the nomination of which is eliminated by the provisions of this act, shall be forthwith refunded. The filing fee for candidates for county council shall be the same as provided for candidates for the county board of commissioners.

SECTION 15. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 17th day of March, 1966.

(R875, S587)

No. 815

An Act To Provide A System Of County Government For Hampton County.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. County Council of Hampton County created.—There is hereby created for Hampton County a system of county government which shall be known as the County Council of Hampton County and it shall have all the powers and duties as set forth in this act.

SECTION 2. Members — elections — terms — vacancies — chairman—meetings—compensation.—The Council shall be composed of five members as follows: The two present county commissioners shall serve as members of the Council until their successors are elected and qualify in 1968; three members shall be elected from the county at large in the general election of 1966 for terms of four years and until their successors are elected and qualify. Thereafter, the successors to all members of the Council shall be elected from the county at large for terms of four years and until their successors are elected and qualify.

Any vacancy on the Council occurring before the expiration of the term shall be filled for the unexpired portion of the term by the same method of election as provided for the original elected holder of the office.

The County Council shall select one of its number as chairman for such term as the Council may set.

The Council shall meet on the first and third Mondays of each month and on the call of the chairman at such other times as may be necessary. They shall receive a salary of one hundred forty dollars per month except that the chairman shall receive a salary of one hundred fifty dollars per month. Three members of the Council shall constitute a quorum for the transaction of official business. All meet-

ings shall be open to the public except the Council, by majority vote, may go into executive session.

SECTION 3. Employ county manager.—The County Council shall employ a county manager to serve (at the pleasure of the Council) who shall be the administrative officer for the county at such a salary, and require him to furnish such bond as it deems necessary. The County Council shall not employ as county manager any person who is a member or has been a member of the Council within the past two years.

SECTION 4. Commissioners abolished—council to have duties of—appointments.—All duties heretofore performed by the County Board of Commissioners of Hampton County are hereby devolved upon the County Council and the Board of Commissioners is abolished. Any appointments in Hampton County to be made by the Governor upon the recommendation of the Senate shall henceforth be made upon the recommendation of a majority of the County Council except as provided in the Constitution of this State, and any such appointments now made upon the recommendation of a majority of the Hampton County Legislative Delegation shall henceforth be made upon the recommendation of a majority of the County Council.

SECTION 5. Ordinances.—No ordinance of the Council which levies a tax, or appropriates monies, or incurs bonded indebtedness shall be valid unless the provision shall have been read at three regular meetings of the Council and shall be published in a newspaper of general circulation in the county at least twenty days before the final reading. All ordinances or resolutions of the Council shall be published in full at least once in a newspaper of general circulation in the county at least five days before the effective date. All proceedings of the Council shall be recorded, and annually all ordinances and resolutions passed during the preceding twelve months shall be printed and made available for distribution through the office of the Council.

SECTION 6. Powers and duties.—In addition to the foregoing duties and powers, the County Council is hereby empowered to legislate in reference to such matters of local concern within Hampton County as herein provided and shall have the following powers:

1. To adopt, use and alter a corporate seal.

2. (a) To acquire by purchase or gift real property in the name of Hampton County.

(b) To lease, sell, or otherwise dispose of real and personal property in the name of Hampton County, including all such property now owned by the county; *provided*, that no lease or sale shall be effected except upon sealed proposals after notice thereof be given by published advertisement at least once not less than seven days prior to the occasion fixed for the opening of bids.

(c) To acquire tangible personal property and supplies.

3. To make contracts and to execute all instruments necessary or convenient for carrying out the functions committed to it.

4. To exercise the powers of eminent domain in the manner provided by the general laws of the State of South Carolina for the South Carolina State Highway Department.

5. To make appropriations and to levy taxes therefor for corporate purposes and for educational purposes, to build and repair public roads, buildings and bridges, to maintain and support prisoners, pay jurors, county officers, and for litigation, quarantine and court expenses and for ordinary county purposes, to support paupers, and to pay past indebtedness.

6. To provide for the receipt, custody, allocation and disbursement of funds accruing to Hampton County.

7. To provide within the county special services which are considered necessary to public health and welfare.

8. To incur indebtedness in anticipation of the collection of taxes which have been levied.

9. To issue bonds pledging the faith and credit of Hampton County for the purposes authorized by and within the limits prescribed by the Constitution of the State of South Carolina, including educational purposes, to build and repair public roads, buildings and bridges, to maintain and support prisoners, pay jurors, county officers, and for litigation, quarantine and court expenses and for ordinary county purposes, to support paupers, and pay past indebtedness. Bonds issued pursuant to this section shall mature serially in such manner as the county commission may provide. They may contain provisions permitting their redemption prior to their stated maturity at premium figures. The commission shall also be empowered to determine the rates of interest the bonds may bear, the method of their execution and sale and all other matters incident to the proper issuance and delivery of the bonds. They shall be empowered to order the levy

and collection of ad valorem taxes upon all taxable property in Hampton County without limitation as to rate or amount sufficient to provide for the payment of the principal and interest on these bonds. Prior to the final adoption of any ordinance providing for the issuance of bonds pledging in any manner the taxing power of Hampton County, the question of issuing such bonds shall be submitted to the qualified electors of Hampton County at any general election, or at any special election ordered by the Commission for that purpose. Notice of the question to be voted upon shall be given by published advertisement thereof in a newspaper of general circulation in Hampton County at least once a week for three successive weeks prior to the occasion of the election. If the question be submitted to a special election, the commission shall be empowered to fix the date of such election, and shall, not less than fifteen days before the date so fixed, notify the Board of Election Commissioners for Hampton County, who shall conduct the election, canvass the votes and announce the results of the election in the manner provided by law.

10. To enter into agreements on matters of local concern with agencies and instrumentalities of the Federal Government, the State Government, political subdivisions of the State, and educational, charitable and eleemosynary institutions.

11. To regulate, control and provide for the construction, maintenance, operation and use of public streets, roads, bridges, sidewalks, drains, courthouses, jails, buildings, prison farms, and other public improvements and facilities.

12. To prescribe methods of accounting for county officers and departments.

13. To supervise and regulate the various departments of the county, except that the duties and functions now provided by law for the offices of the sheriff, clerk of court, probate judge, coroner and superintendent of education, shall not be altered.

14. To create such agencies and departments as may be deemed advisable, and to prescribe their duties and functions; and to alter or transfer the duties and functions of existing offices, agencies or departments.

15. To employ all county employees whose election by the people is not provided for by law and to establish policies affecting the selection, appointment, compensation, dismissal and other matters in the control of the administrative employees of the County Government.

SECTION 7. Office of Director of Public Works created.—There is created the office of Director of Public Works for Hampton County whose duties shall consist of those enumerated in Section 6 (11).

Commencing in 1968 and each four years thereafter, the director shall be elected for a term of four years and until his successor has been elected and qualifies.

The present county supervisor shall serve as Director until a person is elected and qualifies for the office in the general election of 1968.

Notwithstanding any provision of this act to the contrary the duties of supervisor as enumerated in Act No. 22, Chapter 12 of Title 33, are devolved upon the Director of Public Works until his successor has been elected in 1968 and qualifies. Thereafter such duties shall be devolved upon the county manager.

SECTION 8. Reports of various departments and officials—county budget.—Every county official, department, commission, institution or board receiving grants or appropriations from county, state or federal funds shall, on or before October first of each year, make a full and detailed annual report of its financial status, activities and expenditures for the past fiscal year, showing all balances in all accounts controlled by such official, department, commission, institution or board, together with its budget and recommendations for the coming year, to the County Council. Such reports and budgets shall be filed with the County Council on or before October first of each year. The County Council shall, from the reports, prepare a budget for the operation of the county for the ensuing year which must receive at least three votes of the members of the commission before becoming effective. The County Council shall cause to be published the county budget in a newspaper published in the county and such budget shall show in detail the amount of the proposed appropriations, the purposes for which they are to be made, and the millage to be levied by virtue of the same.

SECTION 9. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 17th day of March, 1966.

(R880, H2224)

No. 816**An Act To Authorize The Treasurer Of York County To Invest Certain Funds.**

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. York County Treasurer may invest certain funds.

—The treasurer of York County is hereby authorized to invest funds in his hands in excess of necessary current expenses which will apparently not be demanded for six months or more in short-term United States Treasury obligations.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 17th day of March, 1966.

(R882, H2225)

No. 817**An Act To Provide That All Actions Of The Board Of Commissioners Of Public Works Of The Town Of Johnsonville In Florence County Shall Be Subject To The Approval Of The Town Council.**

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Town Council of Johnsonville to approve actions of commissioners of public works.—Notwithstanding the provisions of Section 59-179, Code of Laws of South Carolina, 1962, or any other provision of law, all actions of the board of commissioners of public works of the Town of Johnsonville in Florence County shall be subject to the approval of the Town Council.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 18th day of March, 1966.

(R888, H2214)

No. 818

An Act To Create The Building Commission Of The City And County Of Florence; To Define Its Functions And Powers; To Authorize The Construction Of A Single Building To Provide Courthouse, Jail, City Hall, Office And Related Facilities For Use By The City Of Florence And By The County Of Florence; To Authorize The City Council Of Florence To Enter Into A Long-Term Lease For The Portion Of The Building To Be Used By The City Of Florence; To Authorize And Empower The County Board Of Commissioners Of Florence County To Issue General Obligation Bonds In The Principal Amount Of Not Exceeding Five Million Dollars; To Provide Funds For The Construction And Equipping Of The Building; To Describe The Terms And Conditions Under Which The Bonds May Be Sold And The Purposes For Which The Proceeds May Be Applied And To Make Provision For The Payment Thereof.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Findings of General Assembly.—As an incident to the enactment of this act, the General Assembly has made the following findings of fact:

(1) A survey has been made to determine the needs of Florence County for jail, courthouse, office and related facilities, which resulted in the conclusion that the existing facilities were wholly inadequate and that new facilities were required.

(2) Simultaneously, the City of Florence made a similar survey to determine its needs for a city hall, offices, municipal jail and related facilities, which likewise resulted in the conclusion that its existing facilities were wholly inadequate and that new facilities were required.

(3) Thereafter studies were made to determine if a single, multi-purpose high rise building would fulfill the needs of both the City of Florence and Florence County.

(4) Such study has resulted in the conclusion that a single, multi-purpose high rise building would meet the needs of both city and county and would produce economies both in construction and operation.

(5) Following such conclusion it has been determined to utilize as a site for such a building the site of the existing county courthouse

property owned by the City of Florence and additional adjacent lands to be acquired from private persons.

(6) Due consideration has been given a method of accomplishing this objective and a plan has been evolved under which:

(a) A special commission would be established and given the power to construct and operate the planned facilities.

(b) General obligation bonds of Florence County in an amount sufficient to construct the facility would be issued.

(c) Florence County would utilize a portion of the building for courthouse, jail, office and related purposes.

(d) The City of Florence would utilize a portion of the building for city hall, municipal jail, office and related purposes.

(e) A portion of the building would be made available to the State of South Carolina (and perhaps to the United States Government), if needed.

(f) The City of Florence would be given a lease insuring its right to utilize the portion of the building which it required for so long a time as the building functioned and at a rental based upon the square footage utilized as it relates to the amount necessary to amortize its proportionate share of the debt service on bonds issued by Florence County and to pay its pro rata share of the operating cost of the building.

(g) Florence County would pay the entire cost of constructing the building and would become obligated to pay its pro rata share of the cost of operating the facility.

(h) The commission appointed would be empowered to take title to all land required as a site for the facility.

(7) The General Assembly has taken note of the fact that certain questions of a constitutional nature will exist as a consequence of this plan, which are:

(a) The power of Florence County under Section 6 of Article X of the Constitution of this State to construct a building which would do more than provide for its utilization by Florence County;

(b) The right of Florence County to issue bonds in an amount sufficient to pay for the cost of the building, in view of the limitations now existing with respect to the incurring of bonded debt by virtue of the limitations set forth in Section 5 of Article X of the State Constitution;

(c) The right of the City of Florence to obligate itself to pay rental over a term of years without complying with the provisions of Section 13 of Article II and Section 7 of Article VIII of the Constitution of this State; and

(d) The right of the City of Florence to incur a fixed obligation extending over many years to pay to Florence County the rental, without incurring indebtedness in excess of that permitted by the limitations imposed upon bonded debt which may be incurred by the City of Florence by virtue of Section 7 of Article VIII and Section 5 of Article X of the Constitution of this State.

(8) In order to remove these questions, the General Assembly, by legislation in *pari materia*, is proposing several amendments to the State Constitution, which will be submitted in the general election to be held in November 1966. It is mindful that until such amendments become a part of the Constitution the right of both county and city to consummate the plan will not be settled. Notwithstanding, it has determined to establish an appropriate commission to accomplish the desired objective, to define its powers and to vest in the County Board of Commissioners of Florence County the right to issue general obligation bonds of Florence County in the amount estimated to be necessary to pay the entire cost of constructing the building, even though such power to issue bonds cannot be perfected until the ratification of the several proposed constitutional amendments. It has likewise determined that it should, subject to the adoption of the constitutional amendments, authorize and empower the City Council of Florence to make the lease agreement required of it by the plan above-described.

SECTION 2. Building Commission of City and County of Florence established—purpose.—There is hereby established a commission to be known as the Building Commission of the City and County of Florence (the building commission) whose function it shall be to acquire a suitable site and to construct thereon a multi-storied high rise facility of sufficient size to provide jail, courthouse, office and other related public facilities required by Florence County and by the City of Florence. Upon the construction of the building, the commission shall be empowered to operate and maintain it in suitable fashion.

SECTION 3. Members — appointments — terms — vacancies—compensation—officers.—The building commission shall consist of

seven members, whose manner of appointment, qualifications and terms shall be as hereinafter set forth:

(a) Two, who shall be residents of the City of Florence, shall be appointed by the Governor upon the recommendation of the City Council of Florence. Of the two so appointed, one shall initially hold office for a period of two years, and the second shall initially hold office for a period of four years.

(b) The remaining five members of the commission shall be appointed by the Governor upon recommendation of a majority of the legislative delegation from Florence County. Of the five so appointed, one shall be a resident of each of the five school districts now existing in Florence County. Of the five so appointed, two shall initially hold office for a period of two years, and the remaining three shall initially hold office for a period of four years.

All terms of office shall expire upon the appropriate anniversary of the effective date of this act, notwithstanding that this provision shall slightly lessen the term of office of the initial appointees.

In the event of a vacancy in office, a successor who shall possess the same residential qualifications as the member whose vacancy is filled shall be appointed for the balance of the unexpired term.

Following the expiration of the initial terms of office, successors shall be appointed for a term of four years. All members of the building commission shall hold office until their successors have been appointed and shall qualify.

The members of the commission shall receive no compensation, but they shall be entitled to be reimbursed for necessary travel and out-of-pocket expenses incurred in connection with their official duties and shall be paid the sum of ten dollars for each meeting that they shall attend.

As soon as the initial commission has been appointed, its membership shall convene and elect one of its members as chairman, another as vice-chairman, another as secretary and another as treasurer, each of whom shall hold office for terms corresponding to their terms as members of the commission. The secretary of the commission shall from time to time file in the office of the Clerk of Court for Florence County appropriate certificates establishing the personnel of the commission and the names of those who hold office and the duration of the terms of the respective members.

SECTION 4. Powers and duties.—Without limiting in any way the generality of the function of the commission as set forth in Section 2, it shall be empowered as follows:

- (1) To have perpetual succession;
- (2) To sue and be sued;
- (3) To adopt, use and alter a corporate seal;
- (4) To adopt such bylaws, rules and regulations for the conduct of its business and expenditure of its funds, as it may deem advisable;
- (5) To acquire from the City of Florence such lands as it deems to be useful as a site for the building which it is authorized to construct;
- (6) To acquire from Florence County such lands as it deems to be useful as a site for the building which it is authorized to construct;
- (7) To acquire by gift, purchase, lease or otherwise, all kinds and descriptions of real and personal property;
- (8) To accept gifts, grants, donations, devises and bequests;
- (9) To design, plan, construct or cause to be constructed, and thereafter operate and maintain, a multi-purpose office building designed to meet the needs of Florence County and the City of Florence;
- (10) To establish and regulate parking facilities adjacent to its building and, in its discretion, to make charges for the use thereof through traffic meters or other means;
- (11) To enlarge and improve any building that it may acquire or construct;
- (12) To prescribe reasonable regulations concerning the use and occupancy of the building;
- (13) To expend the proceeds of any bonds issued by Florence County for the construction of the office building and for matters incidental thereto;
- (14) To expend moneys paid to it under any lease for operation and maintenance for such purposes;
- (15) To determine the fiscal year upon which the affairs of the commission shall be conducted;
- (16) To apply to the Federal Government and any other governmental agency for a grant of money to aid in the construction and equipping of the office building;
- (17) To dispose of any property, real or personal, that it may acquire, except the building and the site thereof;
- (18) To enter into long-term leases with the City of Florence covering such portion of the building as the commission shall deter-

mine to rent to the City of Florence. Such lease may provide that the portion of the rentals attributable to the amortization of the cost of constructing and improving the building be paid directly to the Treasurer of Florence County;

(19) Unless moneys be otherwise provided for, to direct the Auditor of Florence County to levy, and the Treasurer of Florence County to collect, ad valorem tax upon all taxable property in Florence County, sufficient to provide for the county's share of operating and maintaining the building. If, pursuant to this power, the commission shall direct a tax levy for the aforesaid purpose, it shall be mandatory upon the Auditor of Florence County to levy, and the Treasurer of Florence County to collect, sufficient ad valorem tax upon all taxable property to provide for the county's share of operating and maintaining the building.

(20) To exercise the power of eminent domain for the purpose of acquiring property and to that end it may avail itself of the procedure prescribed for the exercise of eminent domain by any county, municipality or authority created by or organized under the laws of this State, or by the State Highway Department or by railroad corporations;

(21) To let contracts, privately or upon competitive bidding after publication of such notice as the commission shall deem proper, for the construction of the office building, and for the acquisition of property, used or useful in connection with its construction and operation;

(22) To employ architects, engineers and counsel and to appoint officers, agents, employees and servants, to prescribe their duties, to fix their compensation and to determine if and to what extent they shall be bonded for the faithful performance of their duties;

(23) To lease to the State of South Carolina and other governmental agencies any portion of the building not required for use by the City of Florence or by Florence County; and

(24) To do all other acts and things necessary or convenient to carry out any function or power committed or granted to the commission.

SECTION 5. City of Florence may lease portion of building—conditions.—When so empowered by appropriate constitutional amendments, the City Council of the City of Florence is hereby authorized and empowered to enter into contracts under which the City of Florence shall lease from the commission that portion of the

building required for its uses, and obligate itself to the commission to pay appropriate annual rentals in an amount sufficient to cover its proper share of the debt service of the bonds issued by Florence County and to pay its proper share of the cost of operating and maintaining the building and the grounds adjacent thereto. The obligation so made shall be secured by a pledge of the full faith, credit and taxing power of the City of Florence, and it shall be mandatory that the appropriate officers of the city annually levy and collect ad valorem taxes on all taxable property in the City of Florence sufficient to enable the City of Florence to fulfill its obligations thereunder. The provisions of any contracts so made shall be enforceable at the instance of any interested party by mandamus or by any other means.

SECTION 6. Bond issue authorized.—In order to provide funds for the construction of the multi-purpose building herein authorized, the County Board of Commissioners of Florence County (the county board) is hereby authorized and empowered to issue general obligation bonds of Florence County to the extent of not exceeding five million dollars.

SECTION 7. Issues.—Bonds issued pursuant to this act may be issued as a single issue or from time to time as several separate issues.

SECTION 8. Maturity.—Bonds issued pursuant to this act shall mature in such annual series or installments as the county board shall provide, except that the first maturing bonds shall mature not later than three years from the date of issue; not less than three per cent of the bonds shall mature in each year; and no bond shall mature later than thirty years from the date of issue.

SECTION 9. Redemption.—Any bond issued pursuant to this act may be issued with a provision permitting its redemption prior to its stated maturity, at par and accrued interest, plus such redemption premium as may be prescribed by the county board, but no bond shall be redeemable prior to its stated maturity unless it contains a statement to that effect. In the proceedings authorizing the issuance of such bonds, provision shall be made specifying the manner of call and the notice thereof that must be given as to bonds made redeemable prior to their stated maturities.

SECTION 10. Form.—Bonds issued pursuant to this act shall be in the form of negotiable coupon bonds, payable to bearer, but may be issued with the privilege to any holder of having them registered as to principal on the books of the Treasurer of Florence County, upon such conditions as the county board may prescribe. Except when so registered, all bonds issued pursuant to this act shall have all attributes of negotiable instruments under the law merchant and the negotiable instrument law.

SECTION 11. Where payable.—Bonds issued pursuant to this act shall be made payable at such place, within or without the State, as the county board shall provide.

SECTION 12. Interest.—Bonds issued pursuant to this act shall bear interest at the rate approved by the county board.

SECTION 13. Definitions.—The bonds and the coupons to be thereunto attached shall be in such denomination and shall be executed in such manner as the county board shall by resolution prescribe.

SECTION 14. Sale.—Bonds issued pursuant to this act shall be sold at a price of not less than par and accrued interest to the date of their respective deliveries. They shall be sold after public advertisement of their sale in a newspaper of general circulation in South Carolina. Such published notice shall appear not less than ten days prior to the occasion set for opening bids.

SECTION 15. Payment.—For the payment of the principal and interest of all bonds issued pursuant to this act, as they respectively mature, and for the creation of such sinking fund as may be necessary therefor, the full faith, credit and taxing power of Florence County shall be irrevocably pledged, and there shall be levied annually by the Auditor of Florence County, and collected by the Treasurer of Florence County, in the same manner as other county taxes are levied and collected, on all taxable property in Florence County, a tax sufficient to pay the principal and interest of the bonds as they respectively mature and to create such sinking fund as may be necessary therefor.

SECTION 16. Exempt from taxes.—The principal and interest of bonds issued pursuant to this act shall have the tax exempt status prescribed by Section 65-4.1, Code of Laws of South Carolina, 1962.

SECTION 17. Proceeds.—The proceeds derived from the sale of any bonds issued pursuant to this act shall be paid to the Treasurer of Florence County and shall be expended as follows:

(a) Any accrued interest received shall be applied by the county treasurer to the payment of the first installment of interest to become due on such bonds.

(b) Any premium shall be applied by the county treasurer to the payment of the first installment of principal of such bonds.

(c) The remaining proceeds shall be expended upon the warrant of the building commission for the following purposes:

(i) To defray the cost of issuing the bonds authorized by this act; and

(ii) To construct the multi-purpose building herein authorized and to pay for any land acquisitions necessary therefor.

(d) If, after the final completion of the building commission's program, the building commission shall certify to the Treasurer of Florence County that any remaining balance in the bond account is no longer needed for its program, then such balance shall be held by or delivered to the county treasurer and used to effect the retirement of bonds then outstanding, which shall have been issued pursuant to this act.

(e) Pending any use of funds, it shall be lawful for the building commission to cause the principal proceeds resulting from any sale of bonds to be invested in obligations of the United States, or any agency thereof, having a maturity of not more than two years from the date when such investments shall be made. In order to effect such investment the building commission shall be empowered to withdraw from the treasurer the entire principal proceeds of any bonds that may be issued and to cause them to be deposited with any corporate trustee who shall hold them as trust funds to be invested in the manner that the building commission shall direct within the limitations imposed by this paragraph.

Any income resulting from such investment shall be returned to the Treasurer of Florence County and used by him to meet the debt service of any bonds so issued.

SECTION 18. No further action required.—No election is prescribed as a condition precedent to the issuance of bonds pursuant to this act, and no action other than that prescribed herein need be taken to effect the issuance of the bonds herein authorized, nor shall

the county board be required to obtain the approval of any public agency to any action taken pursuant to the authorizations of this act.

SECTION 19. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 18th day of March, 1966.

(R891, H2241)

No. 819

An Act To Amend Section 43-911, Code Of Laws Of South Carolina, 1962, Relating To Magistrates In McCormick County, So As To Transfer The Clatworthy Precinct From One Magisterial District To Another.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 43-911 amended — McCormick County magisterial districts.—Section 43-911, Code of Laws of South Carolina, 1962, is amended by striking the word “Clatworthy,” on line four and by inserting between the words “Bordeaux,” and “Mt. Carmel” on line eight the word “Clatworthy,” so that when amended the section shall read as follows:

“Section 43-911. In the primary election of 1952 and each two years thereafter there shall be nominated three magistrates from McCormick County; one to maintain an office in the town of McCormick and shall be voted for at the following precincts: Bells, Bethany, Lyons, McCormick, Tolbert’s Store, White Town and Youngs; one at Parksville to be voted for at the following precincts: Clark’s Hill, Modoc, Parksville, Plum Branch and Rehoboth; and one at Willington to be voted for at the following precincts: Bordeaux, Clatworthy, Mt. Carmel and Willington. Each magistrate shall have county-wide jurisdiction.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 18th day of March, 1966.

(R893, S562)

No. 820

An Act To Regulate And Control Junkyards Along Highways And To Authorize The State Highway Department To Acquire Junkyards In Certain Instances.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Citation of act.—This act may be cited as the “Junkyard Control Act.”

SECTION 2. Regulation of junkyards.—To promote the public safety, health, welfare, convenience and travel enjoyment, to protect the public investment in highways, and to preserve and enhance the scenic beauty of lands bordering public highways, and to promote the conservation of our natural mineral resources by encouraging the re-cycling of resalable scrap iron and metal, it is hereby declared to be in the public interest to regulate the establishment, operation, and maintenance of junkyards in areas adjacent to Interstate and Federal Aid primary highway systems or any paved highway in the State Highway System within this State. The General Assembly hereby finds and declares that junkyards which do not conform to the requirements of this act are public nuisances.

SECTION 3. Definitions.—As used in this act:

(a) The term “junk” shall mean old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, junked, dismantled, or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

(b) The term “automobile graveyard” shall mean any establishment which is maintained or used for storing, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts.

(c) The term “junkyard” shall mean an establishment which is maintained or used for storing, buying, or selling junk, or an automobile graveyard, and the term shall include garbage dumps, sanitary fills and scrap processors.

(d) The term “scrap processor” shall mean any person, firm or corporation engaged only in the business of buying scrap iron and metals, including, but not limited to, old automobiles, for the specific purpose of processing into raw material for remelting purposes only, and whose principal product is ferrous and nonferrous scrap

for shipment to steel mills, foundries, smelters and refineries, and maintaining an established place of business in this State and having facilities and machinery designed for such processing.

(e) "Interstate System" means that portion of the National System of Interstate and Defense Highways located within this State, as officially designated, or as may hereafter be so designated, by the South Carolina State Highway Department, and approved by the Secretary of Commerce or other appropriate Federal official, pursuant to the provisions of Title 23 of the United States Code.

(f) "Federal Aid primary system" means that portion of connected main highways, as officially designated, or as may hereafter be so designated, by the South Carolina State Highway Department, and approved by the Secretary of Commerce or other appropriate Federal official, pursuant to the provisions of Title 23 of the United States Code.

SECTION 4. Conditions for operation of junkyards.—No person shall establish, operate, or maintain a junkyard, any portion of which is within one thousand feet of the nearest edge of the right of way of any Interstate or Federal Aid primary highway or any paved highway in the State Highway System, except the following:

(a) Those which are screened by natural objects, plantings, fences, or other appropriate means so as not to be visible from the main-traveled way of the systems, or otherwise removed from sight.

(b) Those located within areas which are zoned for industrial use under authority of law.

(c) Those located within unzoned industrial areas, which areas shall be determined from actual land uses.

(d) Those which are not visible from the main-traveled way of the system.

SECTION 5. Existing junkyards to be screened.—Any junkyard lawfully in existence on the effective date of this act which is within one thousand feet of the nearest edge of the right of way and visible from the main-traveled way of any highway on the Interstate or Federal Aid Primary system or any paved highway in the State Highway System, shall be screened, if feasible, by the South Carolina State Highway Department at locations on the highway right of way or in areas acquired for such purposes outside the right of way so as not to be visible from the main-traveled way of such highways.

SECTION 6. Highway Department may issue rules and regulations governing junkyards.—The South Carolina State Highway Department shall have the authority to promulgate rules and regulations governing the location, planting, construction and maintenance, including the materials used in screening or fencing required by this act.

SECTION 7. Certain junkyards may be relocated.—When the South Carolina State Highway Department determines that the topography of the land adjoining the highway will not permit adequate screening of a junkyard or the screening of the junkyard would not be economically feasible, the department shall have the authority to acquire by gift, purchase, exchange, or condemnation, such interests in lands as may be necessary to secure the relocation, removal, or disposal of the junkyards; and to pay for the costs of relocation, removal, or disposal, thereof. When the department determines that it is in the best interest of the State it may acquire such lands, or interests in lands, as may be necessary to provide adequate screening of such junkyards. The department may exercise the power of eminent domain in the manner presently provided by law for acquisition of real property needed for construction of highways in Title 33, Code of Laws of South Carolina, 1962, whenever it is necessary, in the judgment of the department, to acquire such lands, or interests therein, by condemnation.

SECTION 8. Junkyards determined to be nuisances—injunctions.—If the South Carolina State Highway Department determines that a junkyard is a nuisance, it may apply to the court of common pleas in the county in which the junkyard is located for an injunction to abate such nuisance.

SECTION 9. Act not to affect certain laws.—Nothing in this act shall be construed to abrogate or affect the provisions of any lawful ordinance, regulation, or resolution, which are more restrictive than the provisions of this act.

SECTION 10. Highway Department may make agreements with Federal Agency.—The South Carolina State Highway Department is hereby authorized to enter into agreements with the United States Secretary of Commerce as provided by Title 23 of the United States Code, relating to the control of junkyards in areas adjacent to the Interstate and Federal Aid Primary systems, and to take action in the name of the State to comply with the terms of such agreement.

SECTION 11. Saving clause.—If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 12. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 24th day of March, 1966.

(R894, S586)

No. 821

An Act To Amend Sections 21-2172 And 21-2181, Code Of Laws Of South Carolina, 1962, Relating To The Colleton County Board Of Education And To The Election Of Boards Of School Trustees For Areas Of Administration, So As To Abolish The Board Of Education And The Boards Of School Trustees For Areas Of Administration And To Establish The Colleton County Board Of School Trustees, And To Repeal Sections 21-2179, 21-2180 And 21-2182, Code Of Laws Of South Carolina, 1962, And Act 248 Of 1963, Relating To Boards Of School Trustees For Areas Of Administration.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 21-2172 amended—governing body for Colleton County school system.—Section 21-2172 of the 1962 Code is amended by striking it in its entirety and inserting in lieu thereof the following :

“Section 21-2172. The governing body of the public educational system of the Colleton County school district shall be a board of trustees composed of nine members, one of whom shall be the county superintendent of education, four of whom shall be appointed by the Governor upon the recommendation of a majority of the legislative delegation representing the county, including the resident senator or if none at least one-half of the senators of the district and four of whom shall be elected as hereinafter provided. In the case of the first board appointed pursuant to this chapter, two members shall be appointed for terms of two years and two shall be appointed for

terms of four years. Thereafter, the successor to each appointive member shall be appointed for a four-year term. The county shall be divided into two area residence divisions which shall be divided by a line established by the center of U. S. Highway No. 15 from the Edisto River to the center of the City of Walterboro and thence along the center of U. S. Highway No. 17A from its junction with U. S. Highway No. 15 in a southwesterly direction to the junction of the Combahee River. Two trustees shall be elected from each residence division by the qualified electors of the residence area. The elective members of the board shall be elected at the general election to be held in 1968 and assume office on January 1, 1969. The terms of office of the trustees shall be for four years and until their successors are elected and qualify, except that one of the trustees in each area of those first elected receiving the highest number of votes shall serve for a term of four years and the other receiving the next highest number of votes shall serve for two years. Thereafter, all terms shall be for four years. All vacancies shall be filled by appointment in the manner prescribed for the appointment of members and shall be for the balance of the unexpired term."

SECTION 2. Section 21-2181 amended—trustees—request for candidacy—conduct of election.—Section 21-2181 of the 1962 Code is amended on line two by striking "trustee of an area of administration" and inserting in lieu thereof "school trustee of an area residence division". The section when amended shall read as follows:

"Section 21-2181. Any person wishing to be elected as school trustee of an area residence division shall request, in writing, the board of commissioners for county and State elections in Colleton County to place his name upon the ballot for the election of such trustee at least thirty days before the general election and, if qualified, he shall be a candidate for such office and his name shall be placed on the ballot.

The board of commissioners for county and State elections in Colleton County shall arrange for the conduct of the election of school trustees by the managers of election appointed for the general election for county and State officers. The board of election commissioners shall furnish separate boxes or otherwise provide for an election of school trustees and shall establish such reasonable rules and regulations as may be necessary to effectuate the purpose of election of school trustees by the qualified electors."

SECTION 3. Boards of trustees and county board of education abolished.—Effective January 1, 1967, all boards of trustees for areas of school administration and the county board of education shall be abolished; *provided*, that such members of boards of trustees for areas of school administration and members of the County Board of Education having unexpired terms on such date shall be appointed by the legislative delegation of the county, including the senator, to serve on the county board of school trustees until a new board takes office January 1, 1969, as provided in this act, but in no event shall the membership of the board exceed thirteen members. The powers and duties of the board of education and the boards of area trustees shall be devolved upon the county board of trustees.

SECTION 4. Sections 21-2179, 21-2180, 21-2182 and Act 248 of 1963 repealed.—Sections 21-2179, 21-2180 and 21-2182 of the 1962 Code and Act 248 of 1963 are repealed.

SECTION 5. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 24th day of March, 1966.

(R898, S591)

No. 822

An Act To Amend Section 43-811, Code Of Laws Of South Carolina, 1962, Relating To The Number Of Magistrates In Hampton County, So As To Reduce Such Number And To Further Provide For The Duties And Compensation Of Such Office.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 43-811 amended—Hampton County to have only one magistrate.—Section 43-811, Code of Laws of South Carolina, 1962, is amended by striking it out and inserting in lieu thereof the following:

“Section 43-811. Upon the expiration of the terms of the present magistrates, there shall be only one magistrate appointed in Hampton County who shall have county-wide jurisdiction. He shall devote full time to the duties of his office and shall maintain regular office hours. In lieu of all fees and fines collected in criminal actions, he shall receive such compensation as may be provided in the

annual county appropriations act. All such fees and fines shall be turned over to the county treasurer once each month for deposit to the general fund of the county."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 24th day of March, 1966.

(R900, H2221)

No. 823

An Act To Amend Sections 14-1361, 14-1362, 14-1363, 14-1371, 14-1372, 14-1381 And 14-1385, Code Of Laws Of South Carolina, 1962, Relating To The Government Of Chester County, So As To Further Provide Therefor.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 14-1361 amended—Chester County divided into four districts.—Section 14-1361 of the 1962 Code is amended to read as follows:

"Section 14-1361. For the purpose of this article the county is hereby divided into four districts as follows:

District No. 1 composed of Chester Township;

District No. 2 composed of Lewisville and Landsford Townships;

District No. 3 composed of Rossville Township; and

District No. 4 composed of Hazelwood, Blackstock, Hallsellville and Baton Rouge Townships."

SECTION 2. Section 14-1362 amended—governing body for Chester County.—Section 14-1362 of the 1962 Code is amended to read as follows:

"Section 14-1362. The governing body of the county shall be a board of county directors to consist of five members, one resident qualified elector from each district, except District No. 1 from which there shall be two, all of whom shall be elected at large by the qualified electors in the county. The members shall be elected in the general election and each shall serve for a four year term commencing on January first following such general election and until their successors have been duly elected and qualify. Any vacancy in office occurring by reason of resignation, death, or otherwise, shall be filled by the

Governor for the unexpired term only upon the unanimous consent of the legislative delegation representing Chester County.”

SECTION 3. Section 14-1363 amended—chairman and meetings.

—Section 14-1363 of the 1962 Code is amended to read as follows:

“Section 14-1363. The board shall elect from its number a chairman to preside over the meetings of the board. The meetings shall be held at least once each month in the office of the board located in the county courthouse.”

SECTION 4. Section 14-1371 amended—item (5) added—additional duties.—Section 14-1371 of the 1962 Code is amended by adding at the end the following:

“(5) The hearing of all budget requests and the preparation of the annual budget for the operation of the affairs of the county, and the making of appropriations and levying taxes therefor for corporate purposes, to build and repair public roads, buildings and bridges, to maintain and support prisoners, to pay jurors and county officers, for litigation, quarantine and court expenses, for ordinary county purposes, to support paupers and to pay past indebtedness; *provided*, no further legislative action shall be necessary for the execution of the provisions of this section; *provided*, further, in the event the board should fail to make appropriations and to levy taxes for county purposes, then the appropriation, terms and conditions contained in the appropriation and tax levy last made shall be continued for an additional year.”

SECTION 5. Section 14-1372 amended—contingent fund.—Section 14-1372 of the 1962 Code is amended to read as follows:

“Section 14-1372. All surplus funds in the treasury of the county which are on hand at the end of each fiscal year as a result of any appropriations made by the annual county appropriations act for any specific purpose not being fully expended shall be placed in the county contingent fund. Also any funds which may accumulate in the county treasurer’s office from taxes or other income which may come into the treasurer’s office in any fiscal year, at any time, and which are not otherwise specifically pledged or appropriated pursuant to law for other purposes shall immediately, by virtue of this section, become a part of the county contingent fund. Moneys or funds in the county contingent fund may be transferred, spent or disbursed only for county purposes by the board of county directors.”

SECTION 6. Section 14-1381 amended—county attorney.—Section 14-1381 of the 1962 Code is amended by striking the words “legislative delegation” on lines two and three and by inserting in lieu thereof “governing body” and by striking the word “act” on line five so that when amended the section shall read as follows:

“Section 14-1381. The county attorney for the county shall be appointed by a majority of the county governing body. The term for each appointment shall be for a period of one year, dating from July first of each year, and shall be at such compensation as may be provided in the annual county appropriation, payable in monthly installments. In case a vacancy occurs an appointment shall be made as provided for an appointment for a full term and shall be for the balance of the term.”

SECTION 7. Section 14-1385 amended—salaries in lieu of fees.—Section 14-1385 of the 1962 Code is amended by striking the word “the” on line four and the words “appropriation act” on line five so that when amended the section shall read as follows:

“Section 14-1385. Salaries for all county officers and offices, including the sheriff, clerk of court, treasurer, judge of probate, tax collector, magistrates and all other county employees, officers and offices, appropriated annually in Chester County, shall be in lieu of all fees now or heretofore provided by law and shall be paid in lieu of such fees. All fees, mileages, licenses, costs, commissions and other compensations, including fees for searches and certificates, shall be paid into the general fund of the county by each of such officers.”

SECTION 8. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 24th day of March, 1966.

(R905, H2279)

No. 824

An Act To Amend Sections 14-853 And 14-854, Code Of Laws Of South Carolina, 1962, Relating To The Appointment Of The Anderson County Board Of Commissioners, So As To Provide That The Members Be Elected, And To Repeal Section 14-855, Code Of Laws Of South Carolina, 1962, Relating To The Removal Of Members From The Board.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 14-853 amended—residency qualifications—elections.—Section 14-853 of the 1962 Code is amended by striking it out and inserting in lieu thereof the following :

“Section 14-853. All of the commissioners and their successors shall be residents of their respective school districts and shall be elected by the qualified electors residing in such districts.”

SECTION 2. Section 14-854 amended—terms and vacancies.—Section 14-854 of the 1962 Code is amended by striking it out and inserting in lieu thereof the following :

“Section 14-854. The commissioners shall hold office for terms of two years, commencing January first in each odd-numbered year, and until their successors shall have been elected and qualified. Each vacancy occurring by reason of the expiration of the term of office shall be filled by election in the general election next preceding the expiration date of that term of office. In the event of a vacancy occurring by reason of death, resignation or otherwise, the Governor, on the recommendation of the county legislative delegation, shall fill the vacancy for the unexpired term.”

SECTION 3. Section 14-855 repealed.—Section 14-855 of the 1962 Code is repealed.

SECTION 4. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 24th day of March, 1966.

(R906, H2282)

No. 825

An Act To Amend Section 14-1904, Code Of Laws Of South Carolina, 1962, As Amended, Providing For The Number And Term Of Office Of County Commissioners In Fairfield County, So As To Reduce The Term Of Office From Four To Two Years And To Amend Section 3 Of Act No. 465 Of 1965, Relating To The Election Of County Commissioners In Fairfield County, So As To Provide That Those Elected In 1966 Shall Be Elected For Terms Of Two Years Each.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 14-1904 amended—board of county commissioners—number and terms.—Section 14-1904 of the 1962 Code, as amended by Act No. 465 of 1965, is further amended by striking the word “four” in line three and inserting the word “two”. The section when amended shall read as follows:

“Section 14-1904. The board of county commissioners of the county shall consist of five members, each of whom shall be a qualified elector, whose terms of office shall be for two years and until their successors shall have been elected and qualified.”

SECTION 2. Section 3 of Act 465 of 1965 amended—terms of members to be elected in 1966.—Section 3 of Act No. 465 of 1965 is amended by striking the word “four” in line three and inserting the word “two”. The section when amended shall read as follows:

“Section 3. The Commissioners to be elected in 1966 pursuant to the provisions of this act shall be elected for terms of two years.”

SECTION 3. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 24th day of March, 1966.

(R907, H2291)

No. 826

An Act To Amend Section 21-1803, Code Of Laws Of South Carolina, 1962, Relating To The Election And Terms Of The Members Of The Chester County School Board Of Trustees, So As To Further Provide Therefor, And To Repeal Section 21-1804, Of The 1962 Code, Which Requires That A Trustee Be A Resident Of The Area He Represents.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 21-1803 amended—board of trustees to be central authority for Chester County school system.—Section 21-1803, Code of Laws of South Carolina, 1962, is amended by striking it and inserting in lieu thereof the following:

“Section 21-1803. The central authority of Chester County’s public education system shall be a board of trustees, which shall be composed of ten members, who shall be residents of the specific areas of the county as follows, but who shall be elected at large by the

qualified electors of the county at the next general election to be held in November, 1966: four from Chester Township; two from Rossville Township; two from Lewisville and Landsford Townships; and two from Blackstock, Hazelwood, Halsellville and Baton Rouge Townships.

The two candidates in Chester Township and the candidate in each of the other three areas receiving the highest number of votes shall serve for terms of four years, and the terms of the remaining candidates shall be for two years. Thereafter, the terms of office of the trustees shall be for four years and until their successors are elected and qualify."

SECTION 2. Section 21-1804 repealed.—Section 21-1804 of the 1962 Code is hereby repealed.

SECTION 3. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 24th day of March, 1966.

(R909, S69)

No. 827

An Act To Amend Section 37-605, Code Of Laws Of South Carolina, 1962, Relating To The Filing Of Surety Bonds Or Deposits Of Securities By Companies Writing Surety Bonds Or Other Surety Contracts, So As To Relieve The Companies Of Making Deposits And Providing For The Return Of Surety Bonds Or Deposits Under Certain Conditions.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 37-605 amended—bond or deposit of securities required—exceptions.—Section 37-605, Code of Laws of South Carolina, 1962, is amended by adding at the end thereof the following:

"Any company which shall have complied with the provisions required of insurance companies in Section 3 of Act No. 857 of 1962 shall be relieved of making the deposit required by this section and, subject to the provisions of Section 37-132, shall be entitled to the return of the surety bond or deposit filed or deposited by it under this section." When so amended, the section shall read:

“Section 37-605. Companies doing business in this State who offer or undertake to become surety upon any bond or other surety contract shall, before being accepted as surety thereon, file with the Commissioner, in addition to any other deposit required by the laws of this State, a surety bond in the amount of fifty thousand dollars approved by the Attorney General or deposit with the Commissioner bonds of the United States or of any state of the United States in the market value of fifty thousand dollars which shall be receipted for by the Commissioner and held by him. Such bond shall be conditioned or such securities held to pay any final judgment entered up against any such company in any court of competent jurisdiction in this State requiring it to pay any loss or liability arising during the term of the bond or while such securities are held, and any judgment obtained shall be a lien upon such bond or securities. Whenever such company ceases to do business in this State, has settled up all claims against it and has been released from all bonds upon which it has been taken as surety, any such securities so deposited shall be delivered up to the proper party on presentation of the Commissioner's receipt for such securities. While such securities are so deposited with the Commissioner, the owner thereof shall be entitled to collect the interest on them. The faith of the State is pledged for the return of the securities so deposited to the person entitled to receive them.

Any company which shall have complied with the provisions required of insurance companies in Section 3 of Act No. 857 of 1962 shall be relieved of making the deposit required by this section and, subject to the provisions of Section 37-132, shall be entitled to the return of the surety bond or deposit filed or deposited by it under this section.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 24th day of March, 1966.

An Act To Provide That Payment By A Motor Vehicle Liability Insurer Of A Property Damage Claim Against Its Insured Shall Not Be Evidence Of The Insured's Liability In Regard To Any Other Claim Arising From The Same Accident Or Event.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Payment of certain motor vehicle liability claims not to make insurer liable for other claims.—No payment made under a motor vehicle liability insurance policy of a claim against any insured thereunder arising from any accident or other event insured against for damage to or destruction of property owned by another person shall be construed as an admission of liability by the insured, or the insurer's recognition of such liability, with respect to any other claim arising from the same accident or event.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 24th day of March, 1966.

(R912, S596)

No. 829

An Act To Create The Colleton County Higher Education Commission.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Colleton County Higher Education Commission created.—There is hereby created the Colleton County Higher Education Commission. The Commission shall be composed of five members who shall be appointed by the Governor upon the recommendation of a majority of the members of the legislative delegation representing Colleton County. The members of the Commission shall serve for a term of two years or until their successors have been appointed and qualify. Not more than two weeks after its appointment, the Commission shall meet and elect a chairman and secretary from among its membership and organize further as it may desire. The Commission may meet at such times as it may deem necessary, such meetings to be called by the chairman or upon the written request of three of its members.

SECTION 2. Powers and duties—advisory board.—The Commission, upon the approval of a majority of its members, may enter into contracts with any institutions of higher learning, upon such terms and conditions as may be mutually acceptable to the Commission and any such institution of higher learning, for the estab-

lishment and operation of an educational center to be a branch of such institution at Walterboro. The Commission may obligate itself for the expenditure of a sum for the purposes of this act in an amount not to exceed that which is appropriated by law. The Commission may bind itself for the furnishing of suitable accommodations and facilities for the educational center when, by written prior agreement, it has obtained permission for the furnishing thereof from the authority, agency or board having control of such accommodations. The Commission is authorized to accept such gifts as may be appropriate to carry out the provisions of this act. The Commission may hold title to real and personal property and may borrow funds and receive grants. The Commission shall appoint a group of not less than five nor more than fifteen interested persons in Colleton County and the surrounding area, who shall be known as the Colleton County Higher Education Advisory Board, who may act in an advisory capacity to the Commission. Three of the persons so appointed shall be appointed only upon the recommendation of a majority of the legislative delegation representing Colleton County.

SECTION 3. Annual report.—Thereafter, the Commission shall submit a written annual report to the legislative delegation representing Colleton County, which report shall show an accounting of all funds under the control of the Commission and shall include a statement of all receipts and disbursements not previously reported and a statement of its estimated financial needs for the ensuing year.

SECTION 4. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 24th day of March, 1966.

(R913, H1942)

No. 830

An Act To Provide For School Districts To Affiliate With Each Other For The Purpose Of Promoting Vocational Education.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. School districts may affiliate with each other for vocational education purposes.—For the purpose of developing and

maintaining vocational education facilities and programs to serve an area not exclusively within the boundaries of a single school district, the school districts serving such an area are empowered to affiliate with each other under such terms and conditions, not in conflict with this act, as they see fit. The affiliation shall be evidenced by a written instrument to be filed with the Secretary and Administrative Officer of the State Board of Education and with the county boards of education concerned.

SECTION 2. Agreements to contain certain provisions.—The affiliation agreement shall provide: (a) for the affiliating school districts to appoint a liaison committee which shall recommend organizational and administrative procedures and measures to assure adequate accounting procedures; (b) procedures by which vocational education funds appropriated by the Federal, State or County government may be applied for and received; (c) procedures by which one of the affiliating school districts may hold title for the benefit of all to real and personal property acquired with such funds; and (d) that each of the affiliating school districts shall have an equity in such joint assets to the extent that the assessed tax value of the property within such school district bears to the aggregate assessed tax value of the property within the combined area of the school districts. If less than an entire school district is served by such vocational education facilities or programs, only the area served shall be considered in computing equities in joint assets.

SECTION 3. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 24th day of March, 1966.

(R914, H1948)

No. 831

An Act To Amend Act No. 80 Of 1965, Relating To Agricultural Terms, So As To Make The Term "Farm Crops" Apply To And Include Horticulture And Floriculture.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 1 of Act 80 of 1965 amended—application of certain agricultural terms.—Section 1 of Act No. 80 of 1965 is

amended on line two by inserting “, farm crops” after the word “uses”. The section when amended shall read as follows:

“Section 1. The terms ‘agriculture, agricultural purposes, agricultural uses, farm crops’ or words of similar import shall include horticulture and floriculture and words of similar import applicable to agriculture shall likewise be applicable to horticulture and floriculture.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 24th day of March, 1966.

(R915, H2090)

No. 832

An Act To Provide For The Regulation And Disclosure Of Transactions In Equity Securities By Principal Stockholders, Directors And Officers Of Domestic Stock Insurance Companies, And Regulation Of Proxies, Consents And Authorizations Relating Thereto, To Be Cited As The “Insider Trading Statute.”

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Citation of Act.—This act may be cited as the “Insider Trading Statute.”

SECTION 2. Domestic stock insurance companies—officers and certain owners of stock to file statements.—Every person who is directly or indirectly the beneficial owner of more than ten per cent of any class of any equity security of a domestic stock insurance company, or who is a director or officer of such company, shall file in the office of the chief insurance commissioner on or before the thirtieth day of June, 1966, or thereafter within ten days after he becomes such beneficial owner, director or officer, a statement, in such form as the chief insurance commissioner may prescribe, of the amount of all equity securities of such company of which he is the beneficial owner, and within ten days after the close of each calendar month thereafter, if there has been a change in such ownership during such month, shall file in the office of the chief insurance commissioner a statement, in such form as the chief insurance commissioner may prescribe, indicating his ownership

at the close of the calendar month and such changes in his ownership as have occurred during such calendar month.

SECTION 3. Profits on certain transactions may be recovered.—For the purpose of preventing the unfair use of information which may have been obtained by such beneficial owner, director or officer by reason of his relationship to such company, any profit realized by him from any purchase and sale, or any sale and purchase, of any equity security of such company within any period of less than six months, unless such security was acquired in good faith in connection with a debt previously contracted, shall inure to and be recoverable by the company, irrespective of any intention on the part of such beneficial owner, director or officer in entering into such transaction of holding the security purchased or of not repurchasing the security sold for a period exceeding six months. Suit to recover such profit may be instituted at law or in equity in any court of competent jurisdiction by the company or by the owner of any security of the company in the name and in behalf of the company if the company shall fail or refuse to bring such suit within sixty days after request or shall fail diligently to prosecute the same thereafter; but no such suit shall be brought more than two years after the date such profit was realized. This section shall not be construed to cover any transaction where such beneficial owner was not such both at the time of the purchase and sale, or the sale and purchase, of the security involved, or any transaction or transactions which the chief insurance commissioner, by rules and regulations, may exempt as not comprehended within the purpose of this section.

SECTION 4. Certain acts unlawful.—It shall be unlawful for any such beneficial owner, director or officer, directly or indirectly, to sell any equity security of such company if the person selling the security or his principal (a) does not own the security sold, or (b) if owning the security, does not deliver it against such sale within twenty days thereafter, or does not within five days after such sale, deposit it in the mails or other usual channels of transportation; but no person shall be deemed to have violated this section if he proves that, notwithstanding the exercise of good faith, he was unable to make such delivery or deposit within such time, or that to do so would cause undue inconvenience or expense.

SECTION 5. Exemptions for dealers.—The provisions of Section 3 of this act shall not apply to any purchase and sale, or sale and pur-

chase, and the provisions of Section 4 shall not apply to any sale of an equity security of a domestic stock insurance company, not then or theretofore held by him in an investment account, by a dealer in the ordinary course of his business and incident to the establishment or maintenance by him of a primary or secondary market, otherwise than on an exchange as defined in the Securities Exchange Act of 1934, for such security. The chief insurance commissioner may, by such rules and regulations as he deems necessary or appropriate in the public interest, define and prescribe terms and conditions with respect to securities held in an investment account and transactions made in the ordinary course of business and incident to the establishment or maintenance of a primary or secondary market.

SECTION 6. Exemptions further.—The provisions of Sections 2, 3 and 4 of this act shall not apply to foreign or domestic arbitrage transactions unless made in contravention of such rules and regulations as the chief insurance commissioner may adopt in order to carry out the purposes of this act.

SECTION 7. Equity security defined.—The term “equity security” when used in this act means any stock or similar security; or any security convertible, with or without consideration, into such a security, or carrying any warrant or right to subscribe to or purchase such a security; or any such warrant or right; or any other security which the chief insurance commissioner shall deem to be of similar nature and consider necessary or appropriate, by such rules and regulations as he may prescribe in the public interest or for the protection of investors, to treat as an equity security.

SECTION 8. Exemptions further.—The provisions of Sections 2, 3 and 4 of this act shall not apply to equity securities of a domestic stock insurance company if (a) such securities shall be registered, or shall be required to be registered, pursuant to Section 12 of the Securities Exchange Act of 1934, as amended, or (b) such domestic stock insurance company shall not have any class of its equity securities held of record by one hundred or more persons on the last business day of the year next preceding the year in which equity securities of the company would be subject to the provisions of Sections 2, 3 and 4 of this act except for the provisions of this section.

SECTION 9. Rules and regulations.—The chief insurance commissioner shall have the power to make and promulgate such rules

and regulations as may be necessary for the execution of the functions vested in him by Sections 2 through 8 of this act, including, but without limitation, rules and regulations pertaining to and governing the solicitation of proxies, including financial reporting in connection therewith, with respect to the capital stock or other equity securities of any domestic stock insurance company; and he may, for such purposes, classify domestic insurance companies, securities, and other persons or matters within his jurisdiction. No provision of Sections 2, 3 and 4 of this act, imposing any liability, shall apply to any act done or omitted in good faith in conforming with any rule or regulation of the chief insurance commissioner, notwithstanding that such rule or regulation may, after such act or omission, be amended, rescinded, or determined by judicial or other authority to be invalid for any reason.

SECTION 10. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 24th day of March, 1966.

(R916, H2099)

No. 833

An Act To Amend Section 22-552, Code Of Laws Of South Carolina, 1962, Providing For The Membership And Terms Of Office Of The Board Of Trustees Of The South Carolina State College, So As To Increase The Number Of Elected Members From Six To Eight And To Provide That One Of The Elected Members Shall Be An Alumnus Of The College.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 22-552 amended—S. C. State College to be under board of trustees.—Section 22-552 of the 1962 Code is amended by striking on line two the word “seven” and inserting in lieu thereof the word “nine”; by striking on line three the word “six” and inserting in lieu thereof the word “eight”; by striking on line four the words “those first” and inserting in lieu thereof the words “the first six”; by inserting on line six between the words “years.” and “The” the following: “One of the elected members shall be an alumnus of the South Carolina State College.”; and by striking on

line seven the word "seventh" and inserting in lieu thereof the word "ninth". The section when amended shall read as follows:

"Section 22-552. South Carolina State College shall be under the management and control of a board of trustees, composed of nine members, eight of whom shall be elected by the General Assembly, whose term of office shall be six years, the first six elected having been elected for terms of two, four and six years, so that two of them go out of office every two years. One of the elected members shall be an alumnus of the South Carolina State College. The Governor of the State shall be ex officio the ninth member of the board of trustees. In case a vacancy or vacancies should occur on the board, the Governor may fill it by appointment until the next session of the General Assembly."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 24th day of March, 1966.

(R917, H2163)

No. 834

An Act To Amend Section 65-1522, Code Of Laws Of South Carolina, 1962, As Amended, Relating To General Exemptions From Taxes, So As To Provide Such Exemptions For Property Owned By Certain Corporations Or Societies In Dillon County.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 65-1522 amended—property of certain corporations or societies in Dillon County exempt from taxes.—Section 65-1522, Code of Laws of South Carolina, 1962, as amended, is further amended by adding a new item which shall read as follows:

"() Property of any social, fraternal, charitable or eleemosynary society, association or corporation in Dillon County not operated for profit if the property and the proceeds therefrom shall be used for eleemosynary purposes and no profit shall accrue or be paid to any individual or corporation; but this exemption shall extend only to county, municipal and school district taxes."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 24th day of March, 1966.

(R922, H1020)

No. 835**An Act To Amend Section 16-91 Of The 1962 Code, Relating To Kidnapping, So As To Delete The Condition Of Ransom Or Reward.**

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 16-91 amended—kidnapping—penalty for.—Section 16-91 of the 1962 Code is amended by striking “and hold such person for ransom or reward” on line 3 and insert in lieu thereof “, without authority of law”. The section when amended shall read as follows :

“Section 16-91. Whoever shall unlawfully, with criminal intent, seize, confine, inveigle, decoy, kidnap, abduct or carry away any other person by any means whatsoever, without authority of law, except when a minor is seized or taken by a parent thereof, shall be guilty of a felony and, upon conviction, shall suffer the punishment of death ; *provided, however,* that when any such person is found guilty of such felony the jury may find a special verdict recommending him or her to the mercy of the court, whereupon the punishment shall be reduced to imprisonment in the Penitentiary with hard labor during the whole lifetime of the convicted person ; *provided, further,* that notwithstanding the foregoing provisions of this section with respect to the punishment of death, if the kidnapped person be released and returned alive prior to the opening of the trial, the death penalty shall not be imposed and the convicted person shall be punished by imprisonment in the same manner as though the jury had recommended him to the mercy of the court.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 29th day of March, 1966.

(R925, H2091)

No. 836**An Act To Amend Item (2) Of Section 15-286, Code Of Laws Of South Carolina, 1962, As Amended, Relating To Terms Of Court In Beaufort County, So As To Further Provide Therefor.**

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Item (2) of Section 15-286 amended—terms of court for Beaufort County.—Item (2) of Section 15-286, Code of Laws of South Carolina, 1962, as amended, is further amended on lines five and six by striking “one week” and inserting in lieu thereof “two weeks”. The item when amended shall read as follows:

“(2) *Beaufort County.*—The courts of general sessions for Beaufort County shall be held at Beaufort on the first Monday in March, on the fourth Monday in June and on the fourth Monday in November, in each case for one week. The courts of common pleas for the county shall be held at Beaufort on the third Monday in January for two weeks, on the third Monday of March for two weeks, on the fourth Monday in June as soon as the court of general sessions shall have concluded during the remainder of the week, on the second Monday in September for one week, and on the first Monday in November for one week.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 29th day of March, 1966.

(R926, H2156)

No. 837

An Act To Create The Governor's Mansion Commission, Prescribe Its Powers And Duties, And Provide For The Return Of Articles On Loan In The Event Of Dissolution Of The Commission.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Purpose.—The purpose of this act is to promote and cultivate the embellishment and ornamentation of the Governor's Mansion through the acquisition by loan or gift of articles of historical significance which would be appropriate to its elegance and grace.

SECTION 2. Governor's Mansion Commission created.—There is hereby created the Governor's Mansion Commission which shall consist of one member from each congressional district and one member at large from the State, to be appointed by the Governor.

The terms of the members shall be coterminous with that of the Governor.

Vacancies shall be filled by the Governor for the unexpired portion of the terms only.

SECTION 3. Officers—meetings—compensation.—The commission shall elect one member to act as chairman and such other officers as it deems necessary. The commission shall hold all of its meetings in Columbia and shall meet on the call of its chairman or upon the request of a majority of its members. The commission shall meet at least once a year. A majority of the commission shall constitute a quorum for transacting business. The members of the commission shall serve without compensation, but shall be allowed the usual mileage as provided by law for members of boards, commissions and committees.

SECTION 4. Duties.—It shall be the duty of the commission to:

- (a) Promote the beautification of the Governor's Mansion.
- (b) Promote interest in the furnishing of the Governor's Mansion with articles of historical significance.
- (c) Acquire by loan or gift furnishings for the Governor's Mansion.
- (d) Advise the Governor on matters pertaining to the embellishment of the Governor's Mansion.
- (e) Accept funds which shall be utilized to purchase articles of historical value for use in the Mansion.

SECTION 5. Approval of gifts or loans.—Articles offered to the commission as gifts or loans must be approved for use in the Mansion by the majority vote of the commission.

SECTION 6. Return of articles upon dissolution.—In the event the commission is dissolved, all articles on loan at such time to the commission which are located in the Governor's Mansion shall be returned to their owners. Any articles on loan which may be removed at any time from the Governor's Mansion shall be returned to their owners.

SECTION 7. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 28th day of March, 1966.

(R930, H2277)

No. 838

An Act To Amend Section 1-260.1, Code Of Laws Of South Carolina, 1962, Relating To The Assistant Solicitor For The Ninth Judicial Circuit, So As To Provide For The Appointment Of An Additional Assistant Solicitor For The Circuit; To Provide For The Designation Of The Assistant Solicitors As First And Second Assistants; And To Provide For The Compensation Of The Assistant Solicitors.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 1-260.1 amended—assistant solicitors for ninth judicial circuit.—Section 1-260.1, Code of Laws of South Carolina, 1962, is amended by striking it out and inserting :

“Section 1-260.1. The circuit solicitor of the ninth judicial circuit may appoint two competent attorneys, both of whom are residents of the circuit, as his assistants who shall perform any and all of the duties and functions now or hereafter proposed by law upon the circuit solicitor as the solicitor of the circuit shall authorize, designate and direct. The assistant circuit solicitors shall be designated in their appointment as first assistant and second assistant to the circuit solicitor. The first assistant shall enter upon his duties upon the approval of the majority of the legislative delegations within the circuit, and the second assistant shall enter upon his duties upon the approval of the majority of the Charleston County Legislative Delegation. The first assistant shall receive as compensation for his services an amount not less than seven thousand five hundred dollars per annum, eighty per cent of such amount to be paid by the County of Charleston and twenty per cent of the amount to be paid by the County of Berkeley, and the second assistant not less than six thousand dollars per annum to be paid by the County of Charleston.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 29th day of March, 1966.

(R931, H2281)

No. 839**An Act To Amend The Code Of Laws Of South Carolina, 1962, By Adding Section 1-260.3, So As To Provide For A Special Investigator For The Ninth Judicial Circuit.**

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 1-260.3 added—special investigator for ninth judicial circuit.—The Code of Laws of South Carolina, 1962, is amended by adding a new section to read as follows :

“Section 1-260.3. The circuit solicitor for the ninth judicial circuit may appoint a competent resident of the circuit as a special investigator for his office. The special investigator shall work under the direction of the solicitor as full-time employee. His appointment shall be for a period not exceeding the term for which the solicitor was elected. The special investigator shall give a bond in the sum of two thousand dollars, which shall be in the same form and provide the same conditions as required by law of peace officers. The special investigator shall be commissioned by the Governor and shall have all the powers, rights and duties, within the ninth judicial circuit, as any state constable, as provided in Section 53-3, Code of Laws of South Carolina, 1962. The special investigator shall be a ‘police officer’, as defined in Act No. 799 of 1962, as amended. The special investigator shall receive as compensation for his services an amount not less than eight thousand dollars per annum, and an expense allowance of not less than fifteen hundred dollars, such sums to be paid by the governing body of the County of Charleston.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 29th day of March, 1966.

(R932, H2297)

No. 840**An Act To Create A Historical Commission For Union County And To Provide For Its Membership, Powers And Duties.**

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Historical Commission for Union County created.—There is hereby created a Historical Commission for Union County, to be composed of five members who shall be appointed by

the Governor on the recommendation of the Union County Legislative Delegation. The members of the commission shall be appointed for terms of four years and until their successors are appointed and are qualified, except that of those first appointed two shall be for four years, two shall be for three years and one shall be for two years. In case of any vacancy prior to the expiration of a regular term, the appointment to fill the vacancy for the unexpired portion of the term shall be made in the same manner as provided for the original appointment. The commission shall meet as soon as practical after appointment and shall elect a chairman from among themselves. The members of the commission shall serve without compensation and they may employ such assistance as financial means available may permit.

SECTION 2. Service on commission not to be considered for dual office holding.—Service of an individual as a member of the commission shall not be considered as service or employment bringing the individual within the provisions of law concerning the prohibition of such service; nor shall any member of the commission, by reason of his status as such, be deemed an officer of the government within the meaning of dual office holding, as prohibited by the Constitution and laws of this State.

SECTION 3. Powers.—The commission is authorized to accept donations of money, property or personal services; to cooperate with national, state, civic, patriotic, hereditary and historical groups and institutions of learning; and to call upon State departments or agencies for their advice and assistance in carrying out the purposes of this act.

SECTION 4. Powers further.—The commission, to such extent as it finds to be necessary and within the limits of funds available, may, without regard to the laws and procedures applicable to State agencies, procure supplies, services and property and make contracts and expend in furtherance of this act funds donated or funds received and may, within the limits of statutory authority, exercise those powers that are necessary to enable it to carry out efficiently and in the public interest the purposes of this act.

SECTION 5. Duties.—The commission shall select markers and appropriately mark and designate points and places of historical interest in Union County. The commission shall be responsible for the

upkeep of such historical sites. It shall receive and disburse funds, accept donations, and in its discretion may compile, print and sell historical pamphlets. In addition, the commission shall advise the county legislative delegation on matters of historical interest in the county.

SECTION 6. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 29th day of March, 1966.

(R933, H2298)

No. 841

An Act To Authorize The City Recorder Of The City Of Union To Issue Search Warrants And To Empower The City Council To Designate Assistant Recorders.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. City Recorder of Union may issue certain processes—assistant recorders.—The City Recorder of the City of Union is hereby empowered to issue summonses, subpoenas, arrest warrants and search warrants in all cases arising under the ordinances of the municipality and in those criminal cases as are now conferred by law upon magistrates. The city council is authorized to designate, as additional duty, certain city employees as assistant recorders and authorize them by ordinance to exercise the power provided herein for the city recorder.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 29th day of March, 1966.

(R934, H2306)

No. 842

An Act To Amend Section 42-644, Code Of Laws Of South Carolina, 1962, Relating To The Carnegie Public Library Of Sumter, So As To Authorize The Library Board To Own And Hold Real Estate, And To Repeal Section 42-650, Relating To a Trust Fund For A New Building.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 42-644 amended—powers and duties—employ librarian.—Section 42-644, Code of Laws of South Carolina, 1962, is amended by changing the period to a comma on line four and adding the following: “and shall have the power to own and hold real estate.” The section when amended shall read as follows:

“Section 42-644. The board when so organized shall have the exclusive control, fiscal and otherwise, of the Carnegie Public Library, including its property and assets, and shall have the power to own and hold real estate. The board shall employ a librarian as administrative officer at such salary as may be fixed by the board. The librarian so employed by the board shall serve at the pleasure of the board. In addition to the employment of a librarian as herein provided, the board may employ such other persons as may be necessary for the proper operation of the library, such employment to be at the pleasure of the board.”

SECTION 2. Section 42-650 repealed.—Section 42-650, Code of Laws of South Carolina, 1962, is repealed as of July 1, 1966.

SECTION 3. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 29th day of March, 1966.

(R935, H2324)

No. 843

An Act To Provide For The Terms Of Aldermen For The Town Of Prosperity In Newberry County And To Delete Such Town From The Provisions Of Section 47-112, Code Of Laws Of South Carolina, 1962, Relating Thereto.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Terms of aldermen for Town of Prosperity.—The two aldermen receiving the largest number of votes at the election to be held in 1967 by the Town of Prosperity in Newberry County shall assume office in 1968 and shall serve for terms of three years and the other two shall serve for terms of two years. Thereafter the terms of aldermen shall be for two years and until their successors are elected and qualify.

SECTION 2. Section 47-112 not applicable to Town of Prosperity.—The Town of Prosperity in Newberry County is deleted from the provisions of Section 47-112 of the 1962 Code.

SECTION 3. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 29th day of March, 1966.

(R936, S638)

No. 844

An Act To Amend Section 21-3504, as Amended, Code Of Laws Of South Carolina, 1962, Relating To Compensation For Members Of The Board Of Education In Marlboro County, So As To Delete The Limitation Of The Number Of Days Such Members May Be Paid In Each Month And To Amend Section 21-3512, Code Of Laws Of South Carolina, 1962, Relating To The Powers And Duties Of Administrative Area Trustees, So As To Further Provide Therefor.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 21-3504 amended—compensation of members.—Section 21-3504 of the 1962 Code, as amended, is further amended by deleting the proviso at the end thereof which relates to the number of days per calendar month for which members of the board of education in Marlboro County may be compensated so that when amended the section shall read as follows:

“Section 21-3504. Members of the board of education shall receive as compensation fifteen dollars per day for attendance at regular or special meetings of the board, and in the case of the chairman, vice-chairman, secretary, or other member of the board, the same rate of compensation for performance of necessary duties authorized and directed by the board. In addition thereto, each member shall receive mileage at the rate of nine cents per mile for attendance at meetings of the board or for performing special duties as directed by the board.”

SECTION 2. Section 21-3512 amended—powers of trustees.—Section 21-3512 of the 1962 Code is amended so as to delete subsection (1) which refers to the election of a superintendent of schools for the administrative area in Marlboro County; subsection (2)

is amended by changing the comma after the word "area" on line two to a semicolon and by striking the remainder of the subsection "after consultation with the local area superintendent"; amend subsection (3) by striking the word "superintendent" on line three and inserting in lieu thereof "administrators"; amend the section further by renumbering the subsections to conform so that when amended the section shall read as follows:

"Section 21-3512. The trustees of the administrative areas shall be empowered to:

(1) Elect members of the faculty of the several schools in the particular administrative area;

(2) Make recommendations to the board for the salaries of all persons serving in the schools of the particular administrative area, including the administrators and faculty members;

(3) Set up administrative policies for the particular area to the extent that the same may be authorized by regulations of the board of education;

(4) Prepare and submit annually, on or before April first of each year, to the board of education, a budget for the operation of the schools in the administrative area;

(5) Make such reports to the board of education as may be required by the board of education;

(6) Administer and expend, subject to the regulations of the board of education, any funds which may be derived from special levies, or other sources within the administrative areas;

(7) Carry out the policies and directions of the board of education; and

(8) Recommend to the Governor for appointment the member of the county board of education from the administrative area of such trustees."

SECTION 3. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 29th day of March, 1966.

(R937, H1650)

No. 845

An Act To Amend Sections 56-51, 56-55 And 56-63, Code Of Laws Of South Carolina, 1962, Relating To Architects; And To Amend The Code Of Laws Of South Carolina, 1962, By Adding Section 56-50, So As To Entrust Architects With Supervision Of Construction Instead Of Erection Of Buildings; To Increase The Years Of Experience Required As A Qualification For Registration; To Exempt Certain Persons And Professions From The Provisions Of Chapter 2, Title 56, Code Of Laws Of South Carolina, 1962; To Provide That The Provisions Hereof Shall Not Be Construed To Prohibit The Sale Or Purchase Of House Plans; And To Provide Definitions.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 56-50 added—definitions.—The Code of Laws of South Carolina, 1962, is amended by adding a new section to read as follows:

“Section 56-50. (1) ‘Architect’ means a person who, by reason of his general knowledge of the principles of architecture acquired by professional education and practical experience, is qualified to engage in the practice of architecture as attested by his registration as an architect.

(2) ‘Architectural practice’ means any service or creative work requiring architectural education, training and experience, and the application of the principles of architecture and related technical disciplines to such professional services or creative work as consulting, evaluating, planning, designing, specifying, coordinating of consultants, administration of contracts, and supervision of construction for the purpose of assuring compliance with the specifications and design, in connection with any building, or site development. A person shall be deemed to practice or offer to practice architecture who in any manner represents himself to be an architect, who performs or holds himself out as able to perform any architectural service or other services recognized by educational authorities as architecture.”

SECTION 2. Section 56-51 amended—certificate and qualifications required for practice.—Section 56-51, Code of Laws of South Carolina, 1962, is amended by striking on line five the word “erec-

tion” and inserting the words “supervision of construction”. The section when amended shall read as follows:

“Section 56-51. Any person assuming the title of architect or practicing the profession of architecture in this State must be not less than twenty-five years of age, of good moral character and so skilled in the principles of design and construction that he may be entrusted with the design and supervision of construction of buildings without undue risk to the public safety. Before assuming such title or undertaking such work, he must have a certificate of registration from the State Board of Architectural Examiners.”

SECTION 3. Item (3) of Section 56-55 amended—experience required.—Item (3) of Section 56-55, Code of Laws of South Carolina, 1962, is amended by striking it out and inserting the following:

“(3) Experience, eight years in the employ of a registered practicing architect, covering drafting, designing, computing, estimating, specifications and supervision; but full graduation from an accredited school of architecture shall be regarded as equivalent to five years of the required eight years’ experience; and”.

SECTION 4. Section 56-63 amended—exemptions from chapter.—Section 56-63, Code of Laws of South Carolina, 1962, is amended by striking it out and inserting:

“Section 56-63. (1) Nothing in this chapter shall be construed to prohibit a general contractor or a home builder from preparing such drawings, specifications and final plans as may be an integral part of the construction.

(2) Nothing in this chapter shall be construed to prohibit the drafting, sale or purchase of house plans.

(3) Nothing in this chapter shall be construed to prevent or affect the practice of any other legally recognized profession.

(4) Nothing in this chapter shall be construed to prevent or affect the practice of engineering as defined in chapter 12 of Title 56, Code of Laws of South Carolina, 1962, and to do such architectural work as is incidental to the practice of engineering.”

SECTION 5. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 29th day of March, 1966.

(R938, H2078)

No. 846**An Act To Amend Section 14-351, As Amended, And Section 14-391, Code Of Laws Of South Carolina, 1962, Relating To County Planning And Development, So As To Permit Any County To Come Under The Provisions Of Certain Planning Acts.**

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 14-351 amended—citation of act—applicable to all counties.—Section 14-351, Code of Laws of South Carolina, 1962, as amended, is further amended to read as follows :

“Section 14-351. This article shall be known and may be cited as ‘The County Planning Act,’ and may be effective in any county in the State. The majority of the legislative delegation of each county shall decide whether or not the county shall elect to come under the provisions of this article.”

SECTION 2. Section 14-391 amended—any county may establish a planning commission.—Section 14-391, Code of Laws of South Carolina, 1962, is amended by striking after the word “county” on line one “in which there is a sudden influx of large numbers of prospective inhabitants” and by adding at the end “A majority of the resident legislative delegation of each county shall decide whether or not the county shall elect to come under the provisions of this article.” The section when amended shall read as follows :

“Section 14-391. Any county may establish a county planning commission in accordance with the provisions of this article. A majority of the resident legislative delegation of each county shall decide whether or not the county shall elect to come under the provisions of the article.”

SECTION 3. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 29th day of March, 1966.

(R939, H2101)

No. 847

An Act To Amend Section 15-261, Code Of Laws Of South Carolina, 1962, As Amended, Which Divides The State Into Fifteen Judicial Circuits, So As To Create The Sixteenth Judicial Circuit To Be Composed Of York And Union Counties.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 15-261 amended—judicial circuits designated.—Section 15-261, Code Of Laws Of South Carolina, 1962, as amended, is further amended by striking the word “fifteen” on line one and inserting in lieu thereof the word “sixteen”; by deleting the word “York” on line thirteen; by deleting the comma on line sixteen and inserting in lieu thereof the word “and”; by deleting “and Union” on line sixteen; by deleting “and” at the end of item (14); and by adding at the end of the section the following: “and (16) The sixteenth circuit shall be composed of the counties of York and Union”. The section when amended shall read as follows:

“Section 15-261. The State is divided into sixteen judicial circuits as follows:

(1) The first circuit shall be composed of the counties of Calhoun, Dorchester and Orangeburg;

(2) The second circuit shall be composed of the counties of Aiken, Bamberg and Barnwell;

(3) The third circuit shall be composed of the counties of Clarendon, Lee, Sumter and Williamsburg;

(4) The fourth circuit shall be composed of the counties of Chesterfield, Darlington, Marlboro and Dillon;

(5) The fifth circuit shall be composed of the counties of Kershaw and Richland;

(6) The sixth circuit shall be composed of the counties of Chester, Lancaster and Fairfield;

(7) The seventh circuit shall be composed of the counties of Cherokee and Spartanburg;

(8) The eighth circuit shall be composed of the counties of Abbeville, Greenwood, Laurens and Newberry;

(9) The ninth circuit shall be composed of the counties of Charleston and Berkeley;

(10) The tenth circuit shall be composed of the counties of Anderson and Oconee;

(11) The eleventh circuit shall be composed of the counties of Lexington, McCormick, Saluda and Edgefield;

(12) The twelfth circuit shall be composed of the counties of Florence and Marion;

(13) The thirteenth circuit shall be composed of the counties of Greenville and Pickens;

(14) The fourteenth circuit shall be composed of the counties of Allendale, Hampton, Colleton, Jasper and Beaufort;

(15) The fifteenth circuit shall be composed of the counties of Georgetown and Horry; and

(16) The sixteenth circuit shall be composed of the counties of York and Union."

SECTION 2. Effective date of changes.—The effective date of the changes in the judicial circuits of the State as provided in this act shall be November 11, 1966.

SECTION 3. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 29th day of March, 1966.

(R940, H2173)

No. 848

An Act To Amend Act No. 739 Of 1964 Relating To The Transfer Of Certain Prisoners From The Penitentiary To A Chain Gang, So As To Make Further Provision Therefor And To Repeal Sections 55-3 And 55-327, Code Of Laws Of South Carolina, 1962, Providing For Such Transfers By The Governor Or By A County Supervisor.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 1 of Act 739 of 1964 amended—certain prisoners may be transferred.—Section 1 of Act No. 739 of 1964 is amended to read as follows:

"Section 1. Any person who has been sentenced to the State Penitentiary, or to the county public works and transferred to the State Penitentiary, may be transferred to the chain gang of the county from which convicted upon request of the county official having charge of such chain gang and with the consent and approval of the State Board of Corrections."

SECTION 2. Sections 55-3 and 55-327 repealed.—Sections 55-3 and 55-327 of the 1962 Code are repealed.

SECTION 3. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 31st day of March, 1966.

(R941, H2211)

No. 849

An Act To Amend Act No. 776 Of The Acts Of 1962, Relating To The County Court For Charleston County, So As To Provide For The Transfer Of Criminal Cases Between The Court Of General Sessions For Charleston County And The County Court Of Charleston County.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Act 776 of 1962 amended—Section 18.1 added—transfer of cases.—Act No. 776 of 1962 is amended by adding a new section to read as follows :

“Section 18.1. Any case pending in the Court of General Sessions for Charleston County and within the jurisdiction of the County Court of Charleston County may be transferred to the County Court for disposition upon motion of the Circuit Solicitor made to the Court of General Sessions for Charleston County; any criminal case pending in the County Court of Charleston County may be transferred to the Court of General Sessions for Charleston County upon motion of the Circuit Solicitor made to the Judge of the County Court.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 29th day of March, 1966.

(R942, H2234)

No. 850

An Act To Create The Western York Water District Of York County And To Prescribe Its Area And Functions; To Provide For Its Governing Body, Its Terms, Powers And Duties; And To Provide Penalties.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Western York Water District created.—There is hereby created a body corporate and politic of perpetual succession to be known as the Western York Water District (hereinafter called the district). It shall be the purpose and function of the district to acquire, construct and operate a water works system, utilizing therefor water from available sources, by purchase or otherwise, at such convenient points as the district shall select to provide a flow of water through pipes to the area described in Section 2 of this act, and to such other domestic, commercial or industrial users who can be conveniently and economically served within or without the service area as herein provided. To this end the district shall perform the functions prescribed by this act, and shall be vested with the powers herein granted and all other powers that may be necessary or incidental in carrying out the functions herein prescribed and exercising the powers herein granted. The water mains, distribution facilities, tanks, their several component parts, and all apparatus, equipment and property incident thereto or used or useful in the operation thereof and all additions, improvements, extensions and enlargements to any of them shall be referred to in this act as the system.

SECTION 2. Service area.—The district shall include and be comprised of the following territory which shall be known as the service area:

An area having as east boundary line commencing at a point, (Point A) said point being the intersection of North Carolina—South Carolina state line and a line parallel to and five hundred feet (500') east of the center line of South Carolina Highway No. 177. Run southerly along a line parallel to and five hundred feet (500') east of the center line of South Carolina Highway No. 177 to the intersection of South Carolina Highway No. 274 and South Carolina Highway No. 177. Thence continuing southerly along a line parallel to and five hundred feet (500') east of the center line of South Carolina Highway No. 274 to the intersection of the City Limits of Newport, South Carolina. Thence along the easterly City Limits of Newport to a point, said point being the intersection of the City Limits of Newport, South Carolina and a line parallel to and five hundred feet (500') east of the center line of South

Carolina Highway No. 81. Thence continuing southerly along a line parallel to and five hundred feet (500') east of the center line of South Carolina Highway No. 81 to the intersection of South Carolina Highway No. 102. Thence continuing southerly along a line parallel to and five hundred feet (500') east of the center line of South Carolina Highway No. 102 to the intersection of South Carolina Highway No. 157 and South Carolina Highway No. 102. Thence continuing southerly along a line parallel to and five hundred feet (500') east of the center line of South Carolina Highway No. 157 to the intersection of South Carolina Highway No. 324 and South Carolina Highway No. 157. Thence continuing southerly along a line parallel to and five hundred feet (500') east of the center line of South Carolina Highway No. 324 to the intersection of South Carolina Highway No. 166 and South Carolina Highway No. 324. Thence continuing westerly along a line parallel to and five hundred feet (500') south of the center line of South Carolina Highway No. 166 to the intersection of South Carolina Highway No. 380 and South Carolina Highway No. 166. Thence continuing southerly along a line parallel to and five hundred feet (500') east of the center line of South Carolina Highway No. 380 to the intersection of South Carolina Highway No. 165 and South Carolina Highway No. 380. Thence continuing southerly along a line parallel to and five hundred feet (500') east of the center line of South Carolina Highway No. 165 to a point, (Point B) said point being the intersection of Chester County—York County line and line parallel to and five hundred feet (500') east of the center line of South Carolina Highway No. 165. The southern boundary commences at Point B, runs westerly along the Chester County-York County line to a point, (point C) said point being the intersection of the Chester County-York County line with the Union County line. The western boundary commences at Point C, runs northeasterly along the Union County-York County line to a point, said point being the intersection of the Union County-York County line with the Cherokee County line. Thence continues northerly along the Cherokee County-York County line to a point, (Point D) said point being the intersection of the North Carolina-South Carolina state line with the Cherokee County line.

The northern boundary commences at Point D, runs easterly along the North Carolina state line to the point of beginning, (Point A) containing an area of approximately four hundred and forty-two (442) square miles.

Provided, that excluded from the territory of the district are (a) the territory encompassed by the boundaries of the municipalities of Clover, Hickory Grove, Sharon and York; and, (b) such additional territories as may be finally annexed to any one or more the four named municipalities within twelve (12) months from the effective date of this act.

SECTION 3. To be managed by board of directors.—The district shall be operated and managed by a board of directors to be known as the “Western York Water District Board” which shall constitute the governing body of the district. The board shall consist of five resident electors of the area who shall be appointed by the Governor, upon the recommendation of a majority of the York County Legislative Delegation. The original appointments shall be for a term of two years for two appointees, for four years for two appointees, and for six years for one appointee. All terms after the initial appointments shall be for six years. All appointees shall hold office until their successors shall have been appointed and qualify. The initial terms of office shall begin as of the effective date of this act. Any vacancy shall be filled in like manner as the original appointment for the unexpired portion of the term. Immediately after appointment, the board shall meet and organize by the election of one of its members as chairman, one as vice chairman, one as secretary and one as treasurer. The office of the secretary and treasurer may be combined in the discretion of the board.

SECTION 4. Not to sell water in certain areas.—To the end that the district shall not unduly compete with the existing publicly-operated water systems in the county, the district shall not sell water to be used by persons or private corporations within the corporate limits of such municipalities or areas now served by municipal officers of such municipalities, nor shall it sell water elsewhere than in the district.

SECTION 5. Powers and duties.—The district, acting through its governing body, is hereby vested with all such powers as may be necessary or incidental to carry out its purposes, functions and responsibilities including, but without limitation, the following:

- (1) To have perpetual succession.
- (2) To sue and be sued.
- (3) To adopt, use and alter a corporate seal.
- (4) To define a quorum for meetings.
- (5) To maintain a principal office.
- (6) To make bylaws for the management and regulation of its affairs.
- (7) To build, construct, maintain and operate ditches, tunnels, culverts, flumes, conduits, mains, pipes, dikes, dams and reservoirs.
- (8) To build, construct, maintain and operate distribution systems for the distribution of water for domestic or industrial use.
- (9) To acquire and operate any type of machinery, appliances or appurtenances, necessary or useful in constructing, operating and maintaining the system.
- (10) To contract for or otherwise acquire a supply of water and sell water for industrial or domestic use.
- (11) To prescribe rates and regulations under which such water shall be sold for industrial and domestic use.
- (12) To enter into contracts of long duration for the sale of water with persons, private corporations, municipal corporations, or public bodies or agencies.
- (13) To prescribe such regulations as it shall deem necessary to protect from pollution all water in its pipes, tanks, reservoirs, distribution systems or elsewhere within its system.
- (14) To make contracts of all sorts and to execute all instruments necessary or convenient for the carrying on of the business of the district.
- (15) To acquire, purchase, hold, use, lease, mortgage, sell, transfer and dispose of any property, real, personal or mixed, or any interest therein.
- (16) To make use of county and state highway rights of way in which to lay pipes and lines in such manner and under such conditions as the appropriate officials in charge of such rights of way shall approve.
- (17) Subject always to the limitations of Section 4, Article VIII of the Constitution of the State, to make use of all the streets and public ways of an incorporated municipality for the purpose of laying pipes and lines.
- (18) To alter and change county and state highways wherever necessary to construct the system under such conditions as the appropriate officials in charge of such highways shall approve.

(19) To exercise the power of eminent domain for any corporate function. The power of eminent domain may be exercised through any procedure prescribed by Sections 25-101 through 25-140 and 33-121 through 33-148, Code of Laws of South Carolina, 1962, as now or hereafter constituted, it being the intent of this provision that further amendments and modifications of these code provisions shall be deemed to amend and revise correspondingly the powers granted by this paragraph.

(20) To appoint officers, agents, employees and servants, to prescribe the duties of such, to fix their compensation and to determine if and to what extent they shall be bonded for the faithful performance of their duties.

(21) To make contracts for construction and other services; *provided*, that such contracts shall be let on competitive bidding and shall be awarded to the lowest responsible bidder.

(22) To borrow money and to make and issue negotiable bonds, notes and other evidences of indebtedness, payable from all or any part of the revenues derived from the operation of its system. The sums borrowed may be those needed to pay all costs incident to the construction and establishment of the system, and any extensions, additions and improvements thereto, including engineering costs, legal costs, construction costs; the sum needed to pay interest during the period prior to which the system, or any extension, addition or improvement thereof, shall be fully in operation; such sum as is needed to supply working capital to place the system in operation; and all other expenses of any sort that the district may incur in establishing, extending or enlarging the system. Neither the full faith and credit of the State of South Carolina, nor York County, shall be pledged for the payment of the principal and interest of the obligations, and there shall be on the face of each obligation a statement, plainly worded, to that effect. Neither the members of the board, nor any person signing the obligations, shall be personally liable thereon. To the end that a convenient procedure for borrowing money may be prescribed, the district shall be fully empowered to avail itself of all powers granted by Sections 59-361 through 59-415 and 59-651 through 59-682, of the Code of Laws of South Carolina, 1962, as now or hereafter constituted, it being the intent of this provision that further amendments and modifications of the code provisions shall be deemed to amend and revise correspondingly the powers granted by this paragraph. In exercising the power conferred upon the district by such

code provisions, the district may make or omit all pledges and covenants authorized by any provision thereof, and may confer upon the holders of its securities all rights and liens authorized by law. Notwithstanding contrary provisions in the Code the district may:

(a) Disregard any provision requiring that bonds have serial maturities, and issue bonds in such form and with such maturities as the district shall determine.

(b) Provide that its bonds, notes or other evidences of indebtedness be payable, both as to principal and interest, from the net revenues derived from the operation of its system, as such net revenues may be defined by the district.

(c) Covenant and agree that upon it being adjudged in default as to the payment of any installment of principal or interest upon any obligation issued by it, or in default as to the performance of any covenant or undertaking made by it, in such event the principal of all obligations of such issue may be declared forthwith due and payable, notwithstanding that any of them may not have then matured.

(d) Confer upon a corporation trustee the power to make disposition of the proceeds from all borrowings and of all revenues derived from the operation of the system, in accordance with the resolutions adopted by the district as an incident to the issuance of any notes, bonds or other types of securities.

(e) Dispose of bonds, notes or other evidences of indebtedness at public or private sale, and upon such terms and conditions as it shall approve.

(f) Make provision for the redemption of any obligations issued by it prior to their stated maturity, with or without premium, and on such terms and conditions as the district shall approve.

(g) Covenant and agree that any cushion fund established to further secure the payment of the principal and interest of any obligation shall be in a fixed amount.

(h) Covenant and agree that no free service will be furnished to any person, municipal corporation, or any subdivision or division of the State.

(i) Prescribe the procedure, if any, by which the terms of the contract with the holders of its obligations may be amended, the number of obligations whose holders must consent thereto, and the manner in which consent shall be given.

(j) Prescribe the events of default and the terms and conditions upon which all or any obligations shall become or may be declared due before maturity and the terms and conditions upon which such declarations and their consequences may be waived.

(23) To extend its system or systems, within York County, beyond the defined limits of the district to provide services to those living outside the district and outside any incorporated municipality when, in the discretion of the board, it is feasible and practicable so to do, in which case any person or agency receiving such service shall be subject to the same rules, regulations and requirements concerning services being received from the district as persons residing within the district. The board may, in its discretion, establish rates and charges higher than those within the district for the extension of its system and the provision of services beyond the limits of the district.

SECTION 6. Rates not to be regulated.—The rate charged for services furnished by the system, as constructed, improved, enlarged and extended, shall not be subject to supervision or regulation by any state bureau, board, commission or like instrumentality or agency thereof.

SECTION 7. Exempt from taxes.—(1) Bonds, notes or other evidences of indebtedness issued pursuant to Section 5 (22) of this act and interest payable thereon are hereby exempted from any and all State, county, municipal and other taxation whatsoever under the laws of this State, and it shall be plainly stated on the face of each such obligation as follows: "The principal of and interest on this (bond) (note or other evidence of indebtedness) are exempted from any and all State, county, municipal and other taxation whatsoever under the laws of the State of South Carolina."

(2) All property of the district shall be exempt from all ad valorem taxes levied by the State, county or any municipality, division, subdivision or agency thereof, direct or indirect.

SECTION 8. Fiscal year, audit and annual report.—The district shall conduct its affairs on the fiscal year basis employed by the State. As shortly after the close of its fiscal year as may be practicable, an audit of its affairs shall be made by public accountants of good standing, to be designated by the district. Copies of such audits incorporated into an annual report of the district shall be filed with

the Auditor and Treasurer of York County, and with the Secretary of the Legislative Delegation of York County.

SECTION 9. Penalties for unlawful acts.—It shall be unlawful for any person to wilfully injure or destroy, or in any manner hurt, damage, tamper with, or impair the system of the district, or any part thereof, or any machinery, apparatus or equipment of the district, or to pollute the water in any part of its system, or to obtain water therefrom except in accordance with the regulations promulgated by the district. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not less than ten dollars nor more than one hundred dollars, or be imprisoned for not more than thirty days, in the discretion of the court, and shall be further liable to pay all damages suffered by the district.

SECTION 10. Public entities may purchase water.—The municipalities within the district and all public bodies and public agencies now or hereafter operating water distribution systems in the district shall be fully empowered to enter into contracts to buy water from the district. These contracts shall extend over such period of time and shall contain such terms and conditions as shall be mutually agreeable to the district and to the contracting municipality, public body or public agency.

SECTION 11. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 29th day of March, 1966.

(R943, H2238)

No. 851

An Act To Repeal Sections 55-329 And 55-330, Code Of Laws Of South Carolina, 1962, Requiring The State Board Of Corrections To Furnish Fresh Milk To The State Hospital.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Sections 55-329 and 55-330 repealed.—Sections 55-329 and 55-330 of the 1962 Code are repealed.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 29th day of March, 1966.

(R944, H2272)

No. 852**An Act To Authorize Earlier Releases Of Inmates Under The Jurisdiction Of The Department Of Corrections, Or Of Any County Prison System, For The Donation Of Blood.**

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Good time allowances for prisoners who donate blood.—The Director of the Department of Corrections, or the official in charge of any county prison system, may allow twelve days' good time to any inmate, sentenced to a term of actual imprisonment of six months or more and under his jurisdiction, for each pint of blood donated by the inmate to any hospital or organized blood bank, limited to sixty days per year. Any good time so allowed may be taken away as is other good time.

SECTION 2. Time effective.—The provisions of this act shall be effective as of July 1, 1965.

SECTION 3. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 31st day of March, 1966.

(R945, H2273)

No. 853**An Act To Require Municipal And County Officials Responsible For The Custody Of Persons Convicted Of Any Criminal Offense To File Certain Monthly Reports With The Department Of Corrections.**

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Reports of prisoners to be filed.—Every municipal and county official responsible for the custody of persons convicted of any criminal offense shall on or before the fifth day of each month file with the Department of Corrections a written report stating the name, race, age, criminal offense and date and length of sentence of all prisoners in their custody during the preceding month.

SECTION 2. Time effective.—This act shall take effect on July 1, 1966.

Approved the 31st day of March, 1966.

(R946, H2332)

No. 854

An Act To Amend Section 15-1119, Code Of Laws Of South Carolina, 1962, Relating To The Salary Of The Judge Of The Charleston County Domestic Relations Court, So As To Change The Basis Of His Minimum Salary.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 15-1119 amended—salary of judge.—Section 15-1119 of the 1962 Code, as created by Act No. 1077 of 1964, is amended by striking “in the preceding year” on lines three and four so that when amended the section shall read as follows:

“Section 15-1119. The judge of the Domestic Relations Court of the County of Charleston shall receive a salary of not less than two-thirds of the salary paid to each circuit judge. His salary shall not be diminished during his term of office.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 29th day of March, 1966.

(R947, H2351)

No. 855

An Act To Create The Newberry County Planning And Zoning Commission; To Provide For Its Membership, Powers And Duties; To Provide Funds For Its Operation; And To Repeal Act 52 Of 1965, Relating To The Newberry County Planning Commission.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Newberry County Planning and Zoning Commission created.—There is hereby created the Newberry County Planning and Zoning Commission to promote and advance the agricultural, commercial and industrial development of the county, to study the total development within the territorial limits of Newberry County, to prepare plans which will provide the orderly and economical development of the county and submit these plans to appropriate Federal, State, county and municipal officials having jurisdiction in the county and encourage execution of these plans. The Newberry

County Planning and Zoning Area, hereinafter referred to as the planning area, shall comprise all of Newberry County, including both incorporated and unincorporated areas. The commission shall consist of fifteen members who shall be appointed by the Governor upon the recommendation of the Newberry County Development Board and the legislative delegation. Of those initially appointed, after the effective date of this act, five shall serve for terms of three years, five shall serve for terms of two years and five shall serve for terms of one year or until their successors are appointed and qualify. Thereafter, their successors shall serve for terms of three years. One of the members shall represent each of the seven tax districts in the county and eight shall represent the county at large. Vacancies shall be filled by the Governor, by appointment, upon the recommendation of a majority of the legislative delegation for the unexpired terms. The chairman shall be elected for a term of one year.

SECTION 2. Powers.—The Newberry County Planning and Zoning Commission shall have authority to purchase and accept title to, or lease or otherwise acquire, in the name of the county, lands, buildings, utilities and other appurtenances for the promotion of agricultural, commercial and industrial development of the county. The commission shall have full authority to negotiate with any concern desiring to locate an agricultural, commercial or industrial establishment in Newberry County, and is hereby authorized to sell, lease, convey and pass title to any lands, buildings, utilities and other related appurtenances purchased by the commission for purposes provided by this act, at such price as may be set by the commission. The commission is further authorized to expend necessary funds in advertising and promoting those features of Newberry County considered most likely to accomplish the purposes of this act.

SECTION 3. Powers and duties further.—It is the purpose and intent of this act that the commission shall offer assistance in the coordination of the plans and programs of local agencies, study development trends and planning problems where there is a need for action on a metropolitan basis and work with other governmental bodies within the county so as to arrive at solutions which serve the best interest of the planning area.

All action of the commission shall be designed to guide and accomplish a coordinated and harmonious development of the planning area on a continuous basis in accordance with present and future

needs in an efficient and economical manner which will best promote the public health, safety, morals, order, convenience, prosperity and general welfare. Such development shall include adequate provision for traffic and transportation facilities, the promotion of safety from fire or other dangers, the prevention and correction of pollution of air and water, promotion of good civic design and arrangement, and the adequate provision of public utilities and other public requirements. The commission shall produce continuing plans for the planning area.

The commission shall have authority to:

(a) Prepare and from time to time revise, amend and add to a continuing plan for the development of the planning area;

(b) Cooperate with and provide planning assistance to municipalities and other local governmental instrumentalities and planning agencies in the county. Such planning assistance shall be limited to surveys, land use studies, technical services and other planning assistance, and, whenever cooperation and assistance include the rendering of technical services, such services may be rendered free or in accordance with an agreement for reimbursement;

(c) Provide information to officials of departments, agencies and instrumentalities of State and local government and to the public at large, in order to foster public awareness and understanding of the objectives of the commission's plans and to stimulate public interest and participation in the orderly development of the planning area;

(d) Hold public and private hearings and sponsor public meetings in any part of the county whenever it deems such hearings or meetings necessary or useful in the execution of its functions;

(e) Exercise all other powers necessary and proper for the discharge of its duties;

(f) Appoint advisory committees from among citizens of the planning area to study any problems or to advise on any problems submitted by the commission;

(g) Prepare or cause to be prepared a plat dividing such area or parts of areas into zones and may determine the use of land and the character of the buildings located thereon, and, upon the adoption of the plat and regulations by a majority of the commission, they shall be certified to the clerk of court of the county, on which certification a public hearing shall be held within forty-five days from the receipt of such certification, notice of such hearing to be published in a newspaper having general circulation in the county one day each week for

four weeks. If, after such public hearing, the commission determines that such determinations are still desirable and that their adoption will tend to promote the public health, safety, morals and general welfare and encourage the use of the lands in accordance with their character and adaptability and will limit the improper use of such lands, then the commission shall by order approve such recommendation, plan and supporting maps or any portion thereof, and thereafter all properties within the zones as set out in the order shall be subject to the uses set forth in the plans, maps and explanatory specifications which shall be filed for record in the office of the clerk of court of the county. Nothing contained in this act, however, shall be construed to authorize the commission to regulate the cost of buildings and structures. The order shall include provisions for the enforcement of the zoning regulations.

SECTION 4. Petitions to reduce restrictions.—The owner of land may petition the commission for any change in zoning to reduce the restriction thereon, and it shall be the duty of the commission to review such petition. On the last Monday in February, May, August and November of each year the commission shall hear the petitions for amendments thereon filed since the last hearing. A notice of the hearing shall be published not more than thirty days nor less than seven days preceding the date for the hearing in a newspaper of general circulation in the county. The commission by order shall deny or approve the petitions and the order amending the plat, maps and specifications shall be filed with the clerk of court of that county.

SECTION 5. Powers further.—The commission shall have the power, within the limits of funds appropriated or otherwise made available to it to:

- (1) Appoint such employees as it may deem necessary for the execution of its duties;
- (2) Contract with persons for special or technical services; and
- (3) Contract with the State of South Carolina, the Federal Government, or any agency or department thereof, for such services or grants as may be available from such agencies and to carry out the provisions of such contracts. The commission is authorized to concur in any contract or to enter into them as comakers. The commission may accept and disburse in the performance of its functions any funds, grants and services made available by the Federal Government, the

State Government, municipal governments within the planning area, or any private or civic source.

SECTION 6. Act 52 of 1965 repealed.—Act 52 of 1965 is repealed.

SECTION 7. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 29th day of March, 1966.

(R948, H2314)

No. 856

An Act To Authorize The Board Of Corrections To Confine A Person Sentenced To The State Penitentiary At Columbia In Certain Other Appropriate Facilities; To Authorize The Board To Allow Certain Prisoners To Participate In Approved Employment Or Training Without The Place Of Their Confinement; To Provide For The Disposition Of Wages So Earned; And To Provide A Penalty For Violations.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Persons sentenced to State Penitentiary may be confined at other places and may be employed outside.—(a) Notwithstanding the provisions of Section 55-321 of the 1962 Code, any person convicted of an offense against the State of South Carolina and committed to the State Penitentiary at Columbia shall be in the custody of the Board of Corrections of the State of South Carolina, and the board shall designate the place of confinement where the sentence shall be served. The board may designate as a place of confinement any available, suitable, and appropriate institution or facility, including a county jail or prison camp, whether maintained by the State Department of Corrections or otherwise. *Provided*, that if the facility is not maintained by the department, the consent of the sheriff of the county wherein the facility is located must first be obtained.

(b) When the board determines that the character and attitude of a prisoner reasonably indicates that he may be so trusted, it may extend the limits of the place of confinement of the prisoner by authorizing him to work at paid employment or participate in a train-

ing program in the community on a voluntary basis while continuing as a prisoner, provided that the board determines that (1) such paid employment will not result in the displacement of employed workers, nor be applied in skills, crafts, or trades in which there is a surplus of available gainful labor in the locality, nor impair existing contracts for services, and (2) the rates of pay and other conditions of employment will not be less than those paid and provided for work of similar nature in the locality in which the work is to be performed.

SECTION 2. Disposition of wages.—The employer of a prisoner authorized to work at paid employment in the community under this act shall pay the prisoner's wages directly to the Department of Corrections. The Director of the Department of Corrections is authorized to withhold from the wages such costs incident to the prisoner's confinement as the Board of Corrections shall deem appropriate and reasonable. These withholdings shall be deposited to the Maintenance Account of the Department of Corrections. The balance of the wages shall, in the discretion of the board and in such proportions as determined by the board, be disbursed to the prisoner, to his dependents or deposited to the credit of the prisoner.

SECTION 3. Penalties.—The wilful failure of a prisoner to remain within the extended limits of his confinement as authorized by Section 1(b) of this act, or to return within the time prescribed to the designated place of confinement, shall be deemed an escape from the custody of the Department of Corrections and punishable as provided in Section 55-6 of the 1962 Code.

SECTION 4. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 31st day of March, 1966.

(R949, S552)

No. 857

An Act To Amend Section 64-6, Code Of Laws Of South Carolina, 1962, Relating To The Exemption Of Manufacturers Using Certain Chemical Processes From The Prohibition Against Sunday Operation, So As To Provide That Such Exemption Shall Apply To Any Business Involving A Manufacturing Process Requiring Continuous And Uninterrupted Operation.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 64-6 amended—certain manufactories may operate on Sunday.—Section 64-6, Code of Laws of South Carolina, 1962, is amended by striking the word “to” between the figures “64-2” and “64-5” on line one and inserting the word “through” and by striking the word “chemical” on line three so that when amended the section shall read as follows:

“Section 64-6. The provisions of Sections 64-2 through 64-5 shall not apply to manufacturing establishments or employees thereof when such establishments in the nature of their business involve manufacturing processes requiring, of necessity, for a normal production schedule continuous and uninterrupted operation. In such industries a work week in excess of forty hours and a workday in excess of eight hours shall not be permissible except when the provisions of the Fair Labor Standards Act are complied with. The exemption herein provided shall not apply to or affect cotton, woolen or worsted manufacturing, finishing, dyeing, printing or processing plants and such plants and industries shall be controlled by Section 64-4.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 31st day of March, 1966.

(R950, S611)

No. 858

An Act To Change The Name Of The State Alcoholic Board For The South Carolina Alcoholic Center To The South Carolina Commission On Alcoholism.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Name of State Alcoholic Board for S. C. Alcoholic Center changed.—The name of the State Alcoholic Board for the South Carolina Alcoholic Center is hereby changed to The South Carolina Commission on Alcoholism.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 31st day of March, 1966.

(R951, S641)

No. 859

An Act To Amend An Act Of 1966, Bearing Ratification No. 843, Which Created The Old Pendleton District Historical Commission For Anderson, Oconee And Pickens Counties, So As To Increase The Membership Of The Commission And Their Terms.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 1 of Act 859 of 1966 amended—Old Pendleton District Historical Commission created.—Section 1 of an Act of 1966, bearing Ratification No. 843, is amended by striking the words “six” and “two” on line four and inserting in lieu thereof “nine” and “three”, and by striking the third and fourth sentences and inserting in lieu thereof the following: “The members of the Commission shall be appointed for terms of six years and until their successors are appointed and qualify, except that of those first appointed, one member from each county shall serve for two years, one member from each county shall serve for four years, and one member from each county shall serve for six years.” The section when amended shall read as follows:

“Section 1. There is hereby created a Historical Commission for Anderson, Oconee and Pickens Counties to be known as Old Pendleton District Historical Commission. The Commission shall be composed of nine members, three each from Anderson, Oconee and Pickens Counties, who shall be appointed by the Governor on recommendation by a majority of the county legislative delegation of the respective counties. The members of the Commission shall be appointed for terms of six years and until their successors are appointed and qualify, except that of those first appointed, one member from

each county shall serve for two years, one member from each county shall serve for four years, and one member from each county shall serve for six years. In case of any vacancy, the appointment to fill the vacancy shall be made in the same manner as provided for the original appointment. The commissioners, upon being appointed, shall meet and elect a chairman and secretary-treasurer. The members of the Commission shall serve without compensation. They may employ a director and a secretary who shall perform such duties as the Commission may direct. Compensation paid the director and secretary shall be fixed by the Commission."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 31st day of March, 1966.

(R952, S605)

No. 860

An Act To Amend Section 55-304, Code Of Laws Of South Carolina, 1962, Providing For An Annual Inventory And Report By The State Board Of Corrections, So As To Make Further Provision Therefor.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 55-304 amended—annual inventory and report.—Section 55-304 of the 1962 Code is amended by striking on lines one and two the words "On the first day of January of each year," and inserting the word "Annually" and on line six by striking the words "as of the first day of January" and inserting the words "for the preceding fiscal year". The section when amended shall read as follows:

"Section 55-304. Annually the Board shall cause a full and complete inventory of all property of every description belonging to the prison system to be made, and there shall be set opposite each item the book and actual market value of same. Such inventory shall further include a statement of the fiscal affairs of the system for the preceding fiscal year; and a sufficient number of copies of such inventory and report shall be printed to give general publicity thereto."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 31st day of March, 1966.

(R953, H2087)

No. 861

An Act To Amend Section 21-3152, Code Of Laws Of South Carolina, 1962, Relating To The Kershaw County Board Of School Trustees, So As To Fix The Compensation Of Such Trustees.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 21-3152 amended — meetings — officers — compensation.—Section 21-3152 of the 1962 Code is amended by striking it out in its entirety and inserting in lieu thereof the following :

“Section 21-3152. The county board of trustees shall meet annually on the fourth Friday in April and elect one of its members as chairman and another as vice-chairman. The board shall hold regular meetings at least monthly thereafter and special meetings as necessary. All regular meetings shall be open to the public. Members of the board shall receive twenty dollars for attendance at board meetings plus mileage as is provided by law for members of boards, commissions and committees for travel expenses incurred in carrying on official business of the board, *provided*, that the money shall be paid from the general school fund.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 31st day of March, 1966.

(R955, H2347)

No. 862

An Act To Amend Section 23-156, Code Of Laws Of South Carolina, 1962, Relating To Voting Precincts In Allendale County, So As To Abolish Certain Precincts, Change The Name Of The Bethel Precinct To The Union Precinct And Establish Voting Places.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 23-156 amended—Allendale voting precincts designated.—Section 23-156 of the 1962 Code is amended by striking on line two the word "Bethel" and inserting "Union" and by striking on lines two, three and four the words "Harmony; Seigling; Bull Pond; and Cherry Hill". The section when amended shall read as follows:

"Section 23-156. In Allendale County there shall be the following voting precincts: Allendale; Fairfax; Union; Ulmers; Sycamore; Appleton; Baldoc; and Millette."

SECTION 2. Where persons in abolished precincts to vote.—Registered electors of the abolished Bull Pond and Seigling precincts shall vote in Allendale precinct. Those in the abolished Harmony precinct shall vote in the Union precinct. Those voting in the abolished Cherry Hill precinct shall vote in Fairfax precinct.

SECTION 3. Allendale precinct to have two voting places.—Allendale precinct shall have two voting places and all registered electors voting within the precinct whose last names begin with the letters "A" through "L" of the alphabet shall vote at the Allendale City Hall and all registered electors in the Allendale precinct whose last names begin with letters "M" through "Z" of the alphabet shall vote at the Allendale County Courthouse.

SECTION 4. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 31st day of March, 1966.

(R956, H2180)

No. 863

An Act To Provide For A Referendum As To The Creation Of The Hilltop Area Fire District In Spartanburg County And To Provide For Its Creation In The Event Of A Favorable Vote; To Provide For A Board Of Fire Control For The District; To Prescribe The Powers, Duties And Membership Of The Board; And To Provide For Tax Levies And Penalties.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Referendum concerning establishment of Hilltop Area Fire District.—The Spartanburg County Commissioners of

Election shall conduct a referendum on the second Tuesday in June, 1966, to ascertain the wishes of the qualified electors residing within the proposed Hilltop Area Fire District on the question of whether or not they favor the establishment of a rural fire district and favor the necessary tax levy.

The commissioners of election shall publish the information relating to the referendum once a week for two consecutive weeks in a newspaper having general circulation in the area.

SECTION 2. Conduct of election.—The commissioners of election shall have printed a sufficient number of ballots and have them distributed at the voting places. The ballots shall read as follows:

“Do you favor establishing and operating a rural fire department in the Hilltop Area and the necessary tax levy?

In favor of ☐

Opposed to ☐

Those voting in favor of the question shall deposit a ballot with a check or cross mark in the square after the words ‘In favor of’, and those voting against the question shall deposit a ballot with a check or cross mark in the square after the words ‘Opposed to’ ”.

Only those persons otherwise qualified and owning taxable property within the area shall be entitled to vote. The officials responsible for canvassing the results of the election shall, within ten days, certify such results to the clerk of court of the county and to the Secretary of State.

SECTION 3. District established if referendum favorable—area.—If a majority of those voting in the election vote in favor of the creation of the fire district, there is hereby established the Hilltop Area Fire District in Spartanburg County encompassed within the lines as shown on a plat recorded in the R.M.C. office of Spartanburg County in plat book 52, at page 158.

SECTION 4. Board established — members and terms — elections.—After the creation of the Hilltop Area Fire District, there is established a board of fire control for the district to be composed of five members who shall be appointed by the Governor upon the recommendation of a majority of the Spartanburg County Legislative Delegation. *Provided*, that of those first appointed one member shall serve for a term of one year, two members shall serve for terms of four years and two members shall serve for terms of six

years or until their successors are appointed and qualify. The members of the board shall serve without pay and shall file annually a report with the Spartanburg County Board of Control not later than the first of November of each year, showing all activities and disbursements made by the board during the year.

If at least twenty per cent of the qualified electors residing in the district petition the commissioners of election by the first of September of any general election year, the commissioners shall call an election to be held at the following general election for the purpose of electing a member to the board to succeed the member whose term will expire during such year, for a six-year term. Thereafter, members shall be elected in each succeeding general election for terms of six years.

SECTION 5. Powers and duties.—The board shall have the following duties and responsibilities:

(a) To buy such fire fighting equipment as the board deems necessary for the purpose of controlling fires within the money allocated or made available to the board for such purposes.

(b) To select the sites or places within the area where the fire fighting equipment shall be kept.

(c) To provide and select the drivers and other volunteer firemen to man such equipment who shall serve without compensation.

(d) To procure and supervise the training of the volunteer firemen selected to insure that the equipment shall be utilized for the best interest of the area.

(e) To be responsible for the upkeep, maintenance and repairs of the trucks and other fire fighting equipment and to that end shall, as often as is deemed necessary, inspect such equipment.

(f) To promulgate such rules and regulations as it may deem proper and necessary to insure that the equipment is being used to the best advantage of the area.

(g) To construct, if necessary, buildings to house the equipment authorized herein.

(h) To borrow not exceeding twenty-five thousand dollars on such terms and for such a period as to the fire control board may seem most beneficial for the fire district in anticipation of taxes. The indebtedness shall be evidenced by a note issued by the members of the board and the county treasurer. The full faith, credit and taxing power of the Hilltop Area Fire District is hereby irrevocably pledged for the payment of the indebtedness.

SECTION 6. Tax levy.—The Auditor and Treasurer of Spartanburg County are hereby directed to levy and collect a tax of not more than four mills, to be determined by the board of fire control, upon all the taxable property of the district for the purpose of defraying the expenses incurred by the board. All monies collected from this levy shall be credited to the fire district.

SECTION 7. Supervision of equipment.—The fire chief or equivalent official of the truck company to which the equipment is assigned shall have complete supervision over its use and operation and it shall be his responsibility to insure that the equipment is readily available for use at all times.

SECTION 8. Members to enforce fire laws.—All members of the truck company of the district may direct and control traffic at the scene of any fire in the area of the county and enforce the laws of this State relating to the following of fire apparatus, the crossing of fire hose and interfering with firemen in the discharge of their duties in connection with a fire in a like manner as provided for the enforcement of such laws by peace officers.

SECTION 9. Unlawful acts—penalties.—It is unlawful to interfere with a member of a fire department in the discharge of his duties in the district or to interfere with any fire apparatus used by the fire department in the district, and any person so offending shall be subject to a fine of not exceeding one hundred dollars or imprisonment not exceeding thirty days.

SECTION 10. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 31st day of March, 1966.

(R958, S382)

No. 864

An Act To Amend Act No. 800 of 1962, Relating To The Open Season For The Hunting Of Turkeys In Jasper County, So As To Further Provide Therefor.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 1 of Act 800 of 1962 amended—turkey season for Jasper County.—Section 1 of Act No. 800 of 1962 is amended by striking it and inserting in lieu thereof the following:

“Section 1. Notwithstanding any other provisions of law, the season for hunting turkeys in Jasper County shall be from March fifteenth through April fifteenth and from Thanksgiving Day through January first.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 7th day of April, 1966.

(R959, S537)

No. 865

An Act To Amend Section 47-14, Code Of Laws Of South Carolina, 1962, And Act No. 231 Of 1963, Relating To The Annexation Of Territory By A Municipality Upon Petition Of The Freeholders In The Territory, So As To Provide That The Holding Of An Election Regarding Such Annexation Shall Be Optional With The City Council Of The Municipality.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 47-14 amended—election to be ordered if petition signed by majority of freeholders.—Section 47-14 of the 1962 Code is amended by striking the word “shall” on line three and inserting in lieu thereof the word “may”; by inserting on line five after the word “situated” the words “Such territory shall not be annexed until such certification is made by the city or town council and an election is held pursuant to Sections 47-11 through 47-22.”; and by striking the word “Thereupon” on line five and inserting in lieu thereof the words “If so certified”. The section when amended shall read as follows :

“Section 47-14. If the city or town council shall find that the petition filed pursuant to Section 47-12 has been signed by a majority of the freeholders within the territory proposed to be annexed, it may certify that fact to the county commissioners of elections of the county in which the territory is situated. Such territory shall not be annexed until such certification is made by the city or town council and an election is held pursuant to Sections 47-11 through 47-22. If so certified, the county commissioners of elections shall order an election to be held within the corporate limits of the municipality and within the territory proposed to be annexed to such

municipality, on the same date, on the question of extension of the corporate limits of the municipality by annexation of the territory proposed to be annexed."

SECTION 2. Section 1 of Act 231 of 1963 amended—municipalities may annex adjacent territory.—Section 1 of Act No. 231 of 1963 is amended by striking the word "shall" on line six and inserting in lieu thereof the word "may"; by striking the word "thereupon" on line eight and inserting in lieu thereof the words "if so certified"; and by inserting on lines fifteen after the word "provided" the words "No such territory shall be annexed until such a certification is made by the city or town council and a referendum and election are held." The section when amended shall read as follows:

"Section 1. In addition to the method of initiating an annexation election provided for in Sections 47-12 through 47-14 of the 1962 Code, cities and towns may annex adjacent territory as follows: Upon presentation to the city or town council of a petition signed by twenty-five per cent of the freeholders resident in the area or territory proposed to be annexed, the city or town council may forthwith certify such fact to the county commissioners of election together with a description of the territory proposed to be annexed; and, if so certified, the county commissioners of election shall order a referendum and an election to be held as herein provided. No such territory shall be annexed until such a certification is made by the city or town council and a referendum and election are held. Except, however, with respect to any city or town having a population of twenty-five thousand, or more, said petition shall contain only fifteen per cent, or more, of said freeholders resident in the area or territory proposed to be annexed."

SECTION 3. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 7th day of April, 1966.

(R960, S616)

No. 866**An Act To Repeal Article 5, Chapter 6, Title 3, Code Of Laws Of South Carolina, 1962, Relating To An Inspection Tax Of Twenty-five Cents Per Ton On Commercial Feeding Stuffs.**

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Article 5, Chapter 6, Title 3 repealed.—Article 5, Chapter 6, Title 3, Code of Laws of South Carolina, 1962, is repealed.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 7th day of April, 1966.

(R961, S640)

No. 867**An Act To Increase The Terms Of Office Of The Town Councilmen And Mayor Of The Town Of Pacolet In Spartanburg County From One Year To Four Years.**

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Terms of mayor and councilmen for Town of Pacolet.—Notwithstanding the provisions of Section 47-111 of the 1962 Code, in the Town of Pacolet in Spartanburg County the term of office of mayor, commencing with the term of office filled by election in 1966, shall be four years and until his successor is elected and qualifies. Commencing with the term of office filled in that election, the term of office for each town councilman shall be four years and until his successor is elected and qualifies. *Provided*, that the terms of office of the two councilmen elected in 1966 who receive the least number of votes shall expire in 1968.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 7th day of April, 1966.

(R963, H2229)

No. 868

An Act To Provide For The Adoption Of The Regulations Promulgated By The Board Of Trustees Of Clemson University For The Inspection Of Meat, To Require The Use Of The "South Carolina Inspected And Passed" Label Or Stamp On Meats And Meat Products Prepared Or Processed For Human Consumption By Any Establishment In The County Of Lexington, To Provide For The Cost Of The Operation Of The Program, And To Provide Penalties For Violations.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Inspection of meats produced in Lexington County.—The regulations for the inspection of meat, meat products and meat food products, promulgated by the Board of Trustees of Clemson University and filed with the Secretary of State on November 10, 1964, are hereby made mandatory requirements for the inspection and labeling of meat, meat products and meat food products produced, prepared or processed in Lexington County, and all such meat, meat products and meat food products shall bear the "South Carolina Inspected and Passed" label or stamp.

SECTION 2. Sale of.—Any establishment in the County of Lexington selling or offering to sell meat, meat products and meat food products for human consumption, containing the "South Carolina Inspected and Passed" label or stamp, shall be governed by the regulations promulgated by the Board of Trustees of Clemson University, and filed with the Secretary of State on November 10, 1964.

SECTION 3. Only certain meats may be sold in Lexington County.—Only meats bearing the inspection mark, stamp, tag or label of the United States Department of Agriculture or the "South Carolina Inspected and Passed" label or stamp shall be acceptable for sale in the County of Lexington.

SECTION 4. Not to prevent slaughtering for own use.—Nothing contained in this act shall prevent an individual in Lexington County from slaughtering for his own use or to be sold to the public in his own place of business.

SECTION 5. Cost.—The cost of the operation of the program provided for in this act shall be borne equally by the County of Lexington and the members of the meat packers' organization of the county.

SECTION 6. Penalties.—Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not more than one hundred dollars or imprisoned for not more than thirty days.

SECTION 7. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 7th day of April, 1966.

(R964, H2245)

No. 869

An Act To Create A Planning And Development Board For Barnwell County.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Barnwell County Planning and Development Board created.—There is hereby created a board for Barnwell County to be known as "The Barnwell County Planning and Development Board," which shall be composed of seven members from the several sections of Barnwell County to be appointed by the Governor, upon the recommendation of the legislative delegation representing Barnwell County. Their terms of office shall be for four years and until their successors are appointed and qualify. Of the original appointees, however, three shall serve for terms of two years. Any vacancy existing in the membership of the board by reason of death, resignation, or otherwise, shall be filled for the unexpired term by appointment in the same manner as the original term. All appointments shall be transmitted to the clerk of court of Barnwell County, who shall properly record them on the permanent records in his office.

SECTION 2. Purpose.—The board is created for the purpose of promoting agricultural, industrial and commercial expansion and development in Barnwell County.

SECTION 3. Officers — meetings — minutes — records.—The board shall elect one of its members as chairman and shall appoint a secretary-treasurer, who may or may not be a member of the board. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. The board shall serve without pay but may provide for the reimburse-

ment of the members for actual expenses incurred in attending meetings and other necessary expenses incurred in connection with business for the board, upon approval of the legislative delegation. The board shall keep minutes of its proceedings and shall make records of all official actions, which minutes and records shall be available for inspection by any citizen of Barnwell County and by the legislative delegation representing Barnwell County at all times.

SECTION 4. Powers.—The board, in carrying out the purposes of this act, shall have power to employ personnel and enter into contracts and other necessary powers incident to the purposes of this act; *provided*, however, that no contract shall be entered into by the board for the expenditure of any sum of money without first having obtained the written approval of a majority of the legislative delegation representing Barnwell County.

The board, upon the approval of the legislative delegation representing Barnwell County, shall have authority to purchase, accept title to, lease or otherwise acquire, in the name of the county, lands, buildings, utilities and other related appurtenances, for the promotion of agricultural, commercial and industrial development of the county and shall have the right and authority to enter into contracts in the name of the county which shall promote and develop agriculture, commerce and industry within the county. No purchase, acquisition of title or lease shall be entered into until funds therefor have been made available.

SECTION 5. Accept gifts and grants.—The board may accept gifts and grants of money from either private or public sources to be used in the promotion of its program, and all such moneys shall be accounted for in the same manner as funds appropriated by Barnwell County.

SECTION 6. Cooperate with other agencies.—For the purposes of carrying out the provisions of this act, the board is authorized to cooperate with the State Development Board and with all towns, chambers of commerce, business leagues, civic clubs and other similar organizations in Barnwell County and all other agencies and organizations within and without the county which the board may desire to cooperate with in the furtherance of the development and advertisement of Barnwell County.

SECTION 7. Appropriations.—The board shall have for operating purposes such sums of money as shall be appropriated annually in the Barnwell County Appropriations Act.

SECTION 8. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 7th day of April, 1966.

(R965, H2338)

No. 870

An Act To Amend The Code Of Laws Of South Carolina, 1962, By Adding Section 65-2767.1, So As To Provide For The Disposition Of Excess From Tax Sales In Beaufort County.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 65-2767.1 added—disposition of excess from tax sales in Beaufort County.—The Code of Laws of South Carolina, 1962, is amended by adding the following section, so as to provide for the disposition of excess from tax sales in Beaufort County.

“Section 65-2767.1. In Beaufort County, when an excess results from a seizure and sale provided for in this article, it shall be held by the treasurer for a period of five years from the date of the sale in a special account, and, if not paid over as provided in this article or claimed by any person legally entitled thereto, the treasurer shall thereupon credit it to the general fund of the county. For a period of five years thereafter, the excess shall be payable to any person legally entitled thereto.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 7th day of April, 1966.

(R969, H2370)

No. 871

An Act To Exempt Property Of The Mizpah Circle Of King's Daughters In Richland County From County Taxes.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Property exempt from taxes.—All property owned by the Mizpah Circle of King's Daughters in Richland County shall be exempt from all county taxes.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 7th day of April, 1966.

(R970, H2383)

No. 872

An Act To Provide A System Of County Government For Newberry County.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. System of government for Newberry County created.—There is hereby created for Newberry County a system of county government as set forth in this act.

SECTION 2. County board — employ administrator — appoint chairman.—The County Board of Commissioners of Newberry County (hereinafter called the Board) shall constitute the county board for the government of Newberry County as herein provided. The Board shall employ a county administrator who shall be the administrative officer for the county at such a salary, term and require such bond as determined by the Board. The Board shall not elect one of its members as county administrator; *provided*, that the county supervisor may be used as county administrator in the absence of one so employed. The Board shall appoint, with the approval of the Newberry County Legislative Delegation, a member to the Board other than one of the elected members for a term of two years commencing January 1, 1967, who shall act as chairman of the Board and advisor, ex officio. *Provided*, that the first to serve in this capacity shall be Senator J. F. Hawkins, who was elected for a term of four years as Senator from Newberry County but because of reapportionment his term was cut to two years. The Board shall meet at least twice each month.

SECTION 3. Approval of certain appointments.—Any appointments in Newberry County to be made by the Governor upon the recommendation of the Senator shall henceforth be made upon the

recommendation of a majority of the Board, with approval of the Newberry County Legislative Delegation; and any such appointments now made upon the recommendation of a majority of the Newberry County Legislative Delegation shall henceforth be made upon the recommendation of a majority of the Board, with the consent of the Newberry County Legislative Delegation.

SECTION 4. Duties of delinquent tax collector devolved upon treasurer—duties of tax assessor devolved upon auditor.

—As soon as practicable, the Board shall proceed to consolidate the office of delinquent tax collector with that of the county treasurer's office and the duties and responsibilities of the delinquent tax collector shall devolve upon the county treasurer. The Board shall also proceed to consolidate the office of tax assessor with that of the county auditor and the duties and responsibilities of the tax assessor shall devolve upon the county auditor.

SECTION 5. Passage and printing of ordinances.—No ordinance of the Board which levies a tax, or appropriates money, or incurs bonded indebtedness shall be valid unless the provision shall have been read at three regular meetings of the Board and shall be published in a newspaper of general circulation in the county at least twenty days before the final reading. All proceedings of the Board shall be recorded, and annually all ordinances and resolutions passed during the preceding twelve months shall be printed and made available for distribution through the office of the Board upon payment of a charge set by the Board.

SECTION 6. Powers and duties.—In addition to the foregoing and other statutory duties and powers, the Board is hereby empowered to legislate in reference to such matters of local concern with Newberry County as herein provided and shall have the following powers:

1. To adopt, use and alter a corporate seal.
2. (a) To acquire by purchase or gift real property in the name of Newberry County.
(b) To lease, sell or otherwise dispose of real and personal property in the name of Newberry County, including all such property now owned by the county.
(c) To acquire tangible personal property and supplies.
3. To make contracts and to execute all instruments necessary or convenient for carrying out the functions committed to it.

4. To exercise the powers of eminent domain in the manner provided by the general laws of the State of South Carolina for procedure by any county, municipality, or authority organized under the laws of this State, or by the South Carolina State Highway Department, or by railroad corporations, or in any manner provided by laws, as the Board may, in its discretion, elect.

5. To make appropriations and to levy taxes therefor for corporate purposes and for educational purposes, to build and repair public roads, buildings and bridges, to maintain and support prisoners, pay jurors, county officers, and for litigation, quarantine and court expenses and for ordinary county purposes, to support paupers, and to pay past indebtedness.

6. To provide for the receipt, custody, allocation and disbursement of funds accruing to Newberry County.

7. To provide within the county special services which are considered necessary to public health and welfare.

8. To incur indebtedness in anticipation of the collection of taxes which have been levied.

9. To issue bonds pledging the faith and credit of Newberry County for the purposes authorized by and within the limits prescribed by the Constitution of the State of South Carolina, including educational purposes, to build and repair public roads, buildings and bridges, to maintain and support prisoners, pay jurors, county officers, and for litigation, quarantine and court expenses and for ordinary county purposes, to support paupers, and pay past indebtedness. Bonds issued pursuant to this section shall mature serially in such manner as the Board may provide. They may contain provisions permitting their redemption prior to their stated maturity at premium figures. The Board shall also be empowered to determine the rates of interest the bonds may bear, the method of their execution and sale and all other matters incident to the proper issuance and delivery of the bonds. It shall be empowered to order the levy and collection of ad valorem taxes upon all taxable property in Newberry County without limitation as to rate or amount sufficient to provide for the payment of the principal and interest on these bonds.

10. To enter into agreements on matters of local concern with agencies and instrumentalities of the Federal Government, the State Government, political subdivisions of the State, and educational, charitable and eleemosynary institutions.

11. To regulate, control and provide for the construction, maintenance, operation and use of public streets, roads, bridges, sidewalks, drains, courthouses, jails, buildings, prison farms, and other public improvements and facilities.

12. To prescribe methods of accounting for county officers and departments.

13. To supervise and regulate the various departments of the county, except that the duties and functions now provided by law for the offices of the sheriff, clerk of court, probate judge, coroner, and superintendent of education shall not be altered.

14. To create such agencies and departments as may be deemed advisable, and to prescribe their duties and functions; and to alter or transfer the duties and functions of existing offices, agencies or departments.

15. To employ all county employees whose election by the people is not provided for by law and to establish policies affecting the selection, appointment, compensation, dismissal and other matters in the control of the administrative employees of the county government.

SECTION 7. Reports and budgets.—Every county official, department, commission, institution or board receiving grants or appropriations from county, state and/or Federal funds shall on or before October first of each year make a full and detailed report of its financial status, activities and expenditures for the past fiscal year, showing all balances in all accounts controlled by such official, department, commission, institution or board, together with its budget and recommendations for the coming year, to the Board. These reports and budgets shall be filed with the Board on or before October first of each year. The Board shall, from the reports, prepare a budget for the operation of the county for the ensuing year which must receive a majority of the votes of the members of the Board before becoming effective. The Board shall cause the county budget to be published in a newspaper published in the county and such budget shall show in detail the amount of the proposed appropriations, the purposes for which they are to be made, and the millage to be levied. The publication shall be published as soon as practicable after adoption.

SECTION 8. Not to affect issuance of certain bonds.—The authorization to issue bonds granted pursuant to the provisions of paragraph 9 of Section 6 of this act is not intended to invalidate any au-

thorization to issue bonds of Newberry County previously granted pursuant to law.

SECTION 9. Approval of budget.—No budget promulgated by the Board shall become effective until approved by the Legislative Delegation from Newberry County.

SECTION 10. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 7th day of April, 1966.

(R971, S613)

No. 873

An Act To Amend Section 43-852, Code Of Laws Of South Carolina, 1962, Relating To The Jurisdiction Of Magistrates In Lancaster County, So As To Provide For Countywide Jurisdiction In Criminal Matters For The Cane Creek Township Magistrate Under Certain Conditions.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 43-852 amended—jurisdiction of magistrates in Lancaster County.—Section 43-852, Code of Laws of South Carolina, 1962, is amended by adding at the end thereof: The magistrate for Cane Creek township shall have criminal jurisdiction throughout the limits of the county in the same manner as the magistrate for Gills Creek Township. Upon demand by either the State or the defendant, at any time before the trial of the case, the magistrates of Cane Creek and Gills Creek Townships shall immediately remand the case for disposition to the jurisdiction of the magistrate in Lancaster County in whose township the offense occurred." The section when amended shall read as follows:

"Section 43-852. In all criminal actions triable by them such magistrates, with the exception of the magistrate for Gills Creek township, shall have jurisdiction only within the limits of their respective districts. In such actions the magistrate for Gills Creek township shall have jurisdiction throughout the limits of the county. In prosecutions cognizable by the courts of general sessions and in all civil matters the magistrates shall each have jurisdiction throughout the limits of the county. But prosecutions and civil actions may

be removed from one magistrate to another for the same cause and in the same manner as is provided by general law and the courts of common pleas shall have concurrent jurisdiction in all civil actions triable by magistrates. The magistrate for Cane Creek township shall have criminal jurisdiction throughout the limits of the county in the same manner as the magistrate for Gills Creek Township. Upon demand by either the State or the defendant, at any time before the trial of the case, the magistrates of Cane Creek and Gills Creek Townships shall immediately remand the case for disposition to the jurisdiction of the magistrate in Lancaster County in whose township the offense occurred."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 7th day of April, 1966.

(R972, S615)

No. 874

An Act To Amend Act 307 Of 1965, Relating To The Catching Of Fish With Certain Devices On The Combahee River From U. S. Highway No. 17 Seaward, So As To Delete The Reference To Set Hooks.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 1 of Act 307 of 1965 amended—unlawful to catch fish with certain devices on Combahee River.—Section 1 of Act 307 of 1965 is amended on lines two and three by striking ", set hooks". The section when amended shall read as follows:

"SECTION 1. It shall be unlawful to catch fish on the Combahee River from U. S. Highway No. 17 seaward using traps, trotlines or nets."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 7th day of April, 1966.

(R973, S659)

No. 875

An Act To Amend Section 27-96, Code Of Laws Of South Carolina, 1962, Relating To Clerk Of Court Fees For Saluda County, So As To Change Such Schedule Of Fees.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 27-96 amended—Clerk of court fees for Saluda County.—Section 27-96, Code of Laws of South Carolina, 1962, relating to clerk of court fees for Saluda County is amended by changing the entire schedule of such fees to read as follows:

“Section 27-96. The fees and charges of the Clerk of Court for Saluda County shall be as follows, except that if the fee for any service is not set forth in this section, such fee shall be as provided by general law:

A. Real Estate Charges:

(1) Recording real estate deed, including auditor's fee, and including cemetery deeds, as follows: short form, three signers, two dollars and fifty cents; regular form, three signers, three dollars.

(2) Recording real estate mortgage, two dollars and fifty cents.

(3) Recording dowers, corrected probates and affidavits on deeds and mortgages, one dollar and fifty cents each.

(4) Recording release of lien on mortgage or deed, one page, one dollar; extra pages, fifty cents each.

(5) Recording subordination and postponement of lien, one page, one dollar; extra pages, fifty cents each.

(6) Recording assignment of real estate mortgage, one dollar.

(7) Recording satisfaction of real estate mortgage, fifty cents.

(8) Recording bill of sale, two dollars.

(9) Recording plat, photocopy size, two dollars and fifty cents; each additional photocopy size, two dollars and fifty cents.

(10) Recording power of attorney, two dollars, plus fifty cents for State stamps.

(11) Recording charter or amendment to charter, three dollars.

(12) Recording lease, three pages, two dollars; more than three pages, one dollar per additional page.

(13) Recording right of way or easement, two dollars and fifty cents.

B. Chattel Charges:

(1) Recording chattel mortgage, two pages, one dollar and twenty-five cents; more than two pages, fifty cents per additional page.

(2) Recording chattel mortgage assignment or renewal, one dollar and twenty-five cents.

(3) Recording satisfaction of chattel, twenty-five cents.

(4) Recording lease of personal property, three pages, one dollar and fifty cents.

(5) Recording bill of sale of personal property, one dollar and fifty cents.

(6) Recording assignment of chattel mortgage, one dollar.

C. Court Charges:

(1) Filing transcript of judgment: magistrate, two dollars and fifty cents; clerk of court, five dollars.

(2) Issuing execution, fifty cents.

(3) Filing lis pendens, three dollars.

(4) Filing mechanics lien, five dollars.

(5) Filing civil actions, seven dollars and fifty cents. This will constitute the entire cost of default judgment. An additional five dollars will be charged in adoptions and divorces. An additional seven dollars and fifty cents will be charged in other cases when enrolled as a judgment if not more than twenty pages. No part of the filing fee shall be returned for any reason.

D. Miscellaneous Charges:

(1) Recording assignment of accounts, one dollar and fifty cents.

(2) Filing tax liens, State or Federal, one dollar and fifty cents.

(3) Filing xerox copies at regular time, twenty-five cents per page.

(4) Filing unusual papers, to be set by clerk of court.

(5) Receiving and paying out money officially, two per cent under three hundred dollars; one per cent over three hundred dollars."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 7th day of April, 1966.

(R975, H2333)

No. 876

An Act To Provide For A Referendum As To The Creation Of The Murrell's Inlet-Garden City Fire District In Georgetown And Horry Counties; To Provide For Its Creation In The Event Of A Favorable Vote; To Provide For Tax Levies; And To Provide Penalties.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Referendum concerning establishment of Murrell's Inlet—Garden City Fire District.—The County Commissioners of Election of Georgetown and Horry Counties shall conduct a referendum on the second Tuesday in June, 1966, to ascertain the wishes of the qualified electors residing within the proposed Murrell's Inlet-Garden City Fire District on the question of whether or not they favor the establishment of a rural fire district and favor the necessary tax levy.

The commissioners of election shall publish the information relating to the referendum once a week for two consecutive weeks in a newspaper having general circulation in the area.

SECTION 2. Conduct of election.—The commissioners of election shall have printed a sufficient number of ballots and have them distributed at the voting places. The ballots shall read as follows: "Do you favor establishing and operating a rural fire department in the Murrell's Inlet-Garden City area and the necessary tax levy?"

In favor of ☐

Opposed to ☐

Those voting in favor of the question shall deposit a ballot with a check or cross mark in the square after the words 'In favor of', and those voting against the question shall deposit a ballot with a check or cross mark in the square after the words 'Opposed to'."

Only those persons otherwise qualified and owning taxable property within the area shall be entitled to vote. The officials responsible for canvassing the results of the election shall, within ten days, certify such results to the clerks of court of Georgetown and Horry Counties and to the Secretary of State.

SECTION 3. District established if referendum favorable—area—If a majority of those voting in the election vote in favor of the creation of the fire district, there is hereby established the

Murrell's Inlet-Garden City Fire District in Georgetown and Horry Counties bounded as follows:

Commencing at the high watermark of the Atlantic Ocean on the northern property line of the property of Huntington Beach State Park and running thence in a westerly direction along the northern property line of said State Park to U. S. Highway No. 17; thence continuing in a general westerly direction along the northern property line of lands of Brookgreen Gardens to the Waccamaw River; thence in a general northerly direction along the eastern bank of the Waccamaw River to Collins Creek; thence continuing along the eastern bank of Collins Creek to Cedar Swamp; thence continuing along the eastern bank of Cedar Swamp to a point where a projection of the boundary line between Lewis Brothers and R. B. Hunsburger would intersect said Cedar Swamp; thence running in an easterly direction to U. S. Highway No. 17; thence in a northerly direction along the eastern right of way of U. S. Highway No. 17 to Melody Lane, the city limits of Surfside Beach; thence in an eastern direction along the southern right of way of Melody Lane to the Atlantic Ocean; thence along the high watermark of the Atlantic Ocean in a southerly direction to the property line of Huntington Beach State Park, the point of beginning. *Also* the property of Collins Creek Baptist Church situate on the West side of Collins Creek.

SECTION 4. Board established — members and terms — elections.—After the creation of the Murrell's Inlet-Garden City Fire District, there is established a board of fire control for the district to be composed of three members from Georgetown County and three members from Horry County who shall be appointed by the Governor upon the recommendation of a majority of the members of the Legislative Delegations from Georgetown and Horry Counties. The original members of the board shall be appointed as follows: three shall be appointed for a term of two years and three shall be appointed for a term of four years. The members of the board shall serve without pay and shall file annually a report with the governing bodies of Georgetown and Horry Counties not later than the first of November of each year, showing all activities and disbursements made by the board during the year. The board shall elect a chairman from its membership and such other officers as it deems necessary. The chairman shall not vote except in case of a tie.

If at least twenty per cent of the qualified electors residing in the district petition the commissioners of election by the first of September of any general election year, the commissioners shall call an election to be held at the following general election for the purpose of electing a member to the board to succeed the member whose term will expire during such year, for a four-year term. Thereafter, members shall be elected in each succeeding general election for terms of four years.

SECTION 5. Powers and duties.—The board shall have the following duties and responsibilities:

(a) To buy such fire fighting equipment as the board deems necessary for the purpose of controlling fires within the money allocated or made available to the board for such purposes.

(b) To select the sites or places within the area where the fire fighting equipment shall be kept.

(c) To provide and select the drivers and other volunteer firemen to man such equipment who shall serve without compensation.

(d) To provide for the hiring and paying of such permanent, fulltime firemen as shall be necessary to qualify this fire district for the most advantageous fire protection classification as established by the rating authorities.

(e) To procure and supervise the training of the volunteer firemen selected to insure that the equipment shall be utilized for the best interest of the area.

(f) To be responsible for the upkeep, maintenance and repairs of the trucks and other fire fighting equipment and to that end shall, as often as is deemed necessary, inspect such equipment.

(g) To promulgate such rules and regulations as it may deem proper and necessary to insure that the equipment is being used to the best advantage of the area.

(h) To construct, if necessary, buildings to house the equipment authorized herein.

(i) To borrow not exceeding twenty-five thousand dollars on such terms and for such a period as to the fire control board may seem most beneficial for the fire district, in anticipation of taxes. The indebtedness shall be evidenced by a note or notes issued by the members of the board and the county treasurers of Georgetown and Horry Counties. The full faith, credit and taxing power of the Murrell's Inlet-Garden City Fire District is hereby irrevocably pledged for the payment of the indebtedness; *provided*, that in no

event shall the credit of Georgetown or Horry Counties be obligated for any indebtedness of the district.

SECTION 6. Tax levy.—The Auditors and Treasurers of Georgetown and Horry Counties are hereby directed to levy and collect a tax of not more than five mills, to be determined by the board of fire control, upon all the taxable property of the district for the purpose of defraying the expenses incurred by the board. All monies collected from this levy shall be credited to the fire district.

SECTION 7. Supervision of equipment.—The fire chief or equivalent official of the truck company to which the equipment is assigned shall have complete supervision over its use and operation and it shall be his responsibility to insure that the equipment is readily available for use at all times.

SECTION 8. Members to enforce fire laws.—All members of the truck company of the district may direct and control traffic at the scene of any fire in the area and enforce the laws of this State relating to the following of fire apparatus, the crossing of fire hose and interfering with firemen in the discharge of their duties in connection with a fire in like manner as provided for the enforcement of such laws by peace officers.

SECTION 9. Unlawful acts—penalties.—It is unlawful to interfere with a member of a fire department in the discharge of his duties in the district or to interfere with any fire apparatus used by the fire department in the district, and any person so offending shall be subject to a fine of not exceeding one hundred dollars or imprisonment not exceeding thirty days.

SECTION 10. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 7th day of April, 1966.

(R976, H2349)

No. 877

An Act To Amend Act No. 349 Of 1963, Relating To "Sets" For The Catching Of Shad On The Savannah River, So As To Prescribe The Method For Issuing Such "Sets."

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 1 of Act 349 of 1963 amended—“sets” to be issued for catching shad on Savannah River.—Section 1 of Act No. 349 of 1963 is amended by adding at the end thereof the following:

“Persons wishing to obtain ‘sets’ shall apply to the Wildlife Resources Department on the first of July of each year. The department shall issue in the order of receipt of applications no more than two ‘sets’ per person until all applications have been filled. The department may then issue ‘sets’ in any number in order of receipt of applications, in its discretion.” When so amended, the section shall read:

“Section 1. The South Carolina Wildlife Resources Department shall issue ‘sets’ for the catching of shad on the South Carolina side of the Savannah River.

The term ‘sets’ means points on the banks of the river at which fishermen shall have the exclusive right to place nets.

Persons wishing to obtain ‘sets’ shall apply to the Wildlife Resources Department on the first day of July of each year. The department shall issue in the order of receipt of applications no more than two ‘sets’ per person until all applications have been filled. The department may then issue ‘sets’ in any number in order of receipt of application, in its discretion.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 7th day of April, 1966.

(R977, H2386)

No. 878

An Act To Authorize The Richland County Economic Opportunity Commission To Transfer All Of Its Assets And Liabilities To “The Council On Neglected Community Economic Resource Needs, Inc.” And To Repeal Act No. 2 Of 1965 Which Created The Richland County Economic Opportunity Commission.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Richland County Economic Opportunity Commission may transfer assets.—The Richland County Economic Opportunity Commission is authorized to transfer all of its assets and lia-

bilities to "The Council on Neglected Community Economic Resource Needs, Inc." The corporation is a charitable institution organized in Richland County for operation in Richland and Lexington Counties to accomplish the same purposes as the Economic Opportunity Commission.

SECTION 2. Act 2 of 1965 repealed.—Act No. 2 of 1965 is repealed.

SECTION 3. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 7th day of April, 1966.

(R979, S661)

No. 879

An Act To Create The Laurens County Historic Preservation Commission, And To Prescribe Its Powers And Duties.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Laurens County Historic Preservation Commission created.—There is hereby created and established the Laurens County Historic Preservation Commission, hereinafter called the "commission."

SECTION 2. To be corporate body.—The commission is declared to be a body politic and corporate and shall exercise and enjoy all the rights and privileges of such.

SECTION 3. Members — terms — appointments — officers.—The commission shall be composed of ten resident electors of the county, one from each magisterial district, to be appointed by the Governor upon the recommendation of a majority of the Laurens County Legislative Delegation, including the Senator. The members shall serve for terms of five years and until their successors are appointed and qualify, except that the first appointments shall be as follows: two for five years, two for four years, two for three years, two for two years, and two for one year. The duration of their respective terms shall be determined by lot.

Immediately upon the appointment of the commission, it shall organize by electing one of its number as chairman, a second as vice-

chairman, a third as secretary, and a fourth as treasurer. The officers of the commission shall hold office for terms of one year and until their successors are elected and qualify; *provided*, officers may succeed themselves. It shall be the duty of the commission to see that a record of the appointees to the commission shall be filed in the office of the Clerk of Court for Laurens County, so as to indicate the persons holding office and the duration of their respective terms. No member of the commission shall receive any compensation for his services as a member. Membership on the commission shall not be construed to be an office of honor or profit.

SECTION 4. Powers and duties.—The commission shall be empowered as follows:

- (1) To sue and be sued.
- (2) To adopt, use and alter a corporate seal.
- (3) To contract with others in furtherance of its purposes and to charge admission fees to its facilities.
- (4) To make bylaws for the management and regulation of its affairs.
- (5) To acquire, own, hold in trust, preserve, restore, maintain, suitably mark, develop, advertise, and operate buildings and structures of historic significance, and the land upon which the same may be situate, in Laurens County, and to receive funds, grants, donations and appropriations for the accomplishment of these purposes.
- (6) To prescribe rules and regulations governing the use of the facilities.
- (7) To appoint agents, employees and servants, to prescribe their duties, to fix their compensation, to determine if and to what extent they shall be bonded for the faithful performance of their duties.
- (8) To authorize and create advisory committees and special memberships and societies in furtherance of its purposes.

SECTION 5. Exempt from taxes.—All property of the commission shall be exempt from all ad valorem taxes levied by the State, county or any municipality, division or agency, direct or indirect.

SECTION 6. Fiscal year and audit.—The commission shall conduct its affairs on the fiscal year basis employed by Laurens County. As shortly after the close of its fiscal year as may be practicable an audit of its affairs shall be made by a certified public accountant of good standing, to be designated by the commission. Copies of the audit, incorporated into an annual report of the commission, shall

be filed with the Senator from Laurens County, the secretary of the House Delegation from Laurens County, and in the office of the clerk of court for the county.

SECTION 7. May borrow money and mortgage property.—The commission shall have power and authority to borrow money and to mortgage or pledge its real and personal property; *provided*, that it shall not have the power to assume any obligation or incur any indebtedness binding upon the State of South Carolina or Laurens County.

SECTION 8. Action may be taken at any meeting.—Any action required of the commission may be taken at any meeting of the commission, regular or special, and at such meeting a majority of the members shall constitute a quorum for the purpose of transacting the business.

SECTION 9. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 13th day of April, 1966.

(R981, H2147)

No. 880

An Act To Amend Sections 21-1175, 21-1183, 21-1185 And 21-1187, Code Of Laws Of South Carolina, 1962, Concerning The Board Of Trustees Of The School Districts Of Anderson County, Their Terms Of Office And Method Of Election, So As To Change The Time Of The Election And The Voting Places.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 21-1175 amended—terms and vacancies.—Section 21-1175 of the Code of 1962 is amended by striking out the section in its entirety and inserting in lieu thereof the following, so as to provide for the election of trustees on the second Saturday of May in those years when an election is due and provide for a term of four years:

“Section 21-1175. The terms of office of school trustees in Anderson County shall expire on June thirtieth following the election on the second Saturday in May of the year in which the term of office of any school trustee expires. All trustees shall be elected for terms of

four years each. *Provided*, however, that in the case of a vacancy before the expiration of a term, the successor shall serve for the unexpired portion of the term. Such successor shall be appointed by the county board of education to serve until the next election of trustees in the school district, at which time a successor shall be elected in the manner prescribed by law for the election of trustees to fill the unexpired portion of the term.”

SECTION 2. Section 21-1183 amended—date of elections.—

Section 21-1183 of the Code of 1962 is amended by striking out the section in its entirety and inserting in lieu thereof the following, so as to change the time of election of school trustees:

“Section 21-1183. The election of school trustees shall be held on the second Saturday of May of the year in which a term of office expires.”

SECTION 3. Section 21-1185 amended—conduct of elections.—

Section 21-1185 of the Code of 1962 is amended by striking out the section in its entirety and inserting in lieu thereof the following, so as to change voting places to school houses in the district and to provide for separate ballots in each district:

“Section 21-1185. In all elections held under the provisions of this article, the voting places shall be at such of the various school houses in the district as may be designated by the county board of education, and the board of education shall make the necessary preparations for the holding of the elections by giving notice of the time, places of voting, and purpose of the election by advertisement in one or more newspapers of general circulation published in the county once a week for two consecutive weeks next prior to the election. The board shall appoint such box managers and other election personnel as may be allowed by law.

The ballots shall have printed thereon the names of the candidates to be voted on, the district and area, where applicable, for which they are candidates, and have attached thereto stubs to be detached and retained by the managers of the election, and any instructions to the voters. Separate ballots shall be prepared for each district, upon which shall appear the names of the candidates from that district, and each ballot shall indicate the number of positions to be filled in each district.

The managers of election shall supervise the voting at their respective voting places, canvass the ballots cast, and within twenty-

four hours after the closing of the polls, certify the results of the election, together with the ballots cast, to the county board of education. Each district shall bear its election expenses, as fixed by the county board.

In case of a tie vote in the election of any trustee, the county board of education shall determine by lot the successful candidate."

SECTION 4. Section 21-1187 amended—voting when boundary lines of school districts not same as precinct lines.—Section 21-1187 of the Code of 1962 is amended by striking out the section in its entirety and inserting in lieu thereof the following, so as to clarify the voting places of certain persons in the district:

"Section 21-1187. Boundary lines of the school districts are not coincident in all cases with the boundary lines of the precinct. Therefore, should any qualified elector reside in any portion of a school district which is not embraced in the precinct in which he is registered, such elector shall vote for trustees of the district in which he resides at the voting place in the designated school house in the district nearest his residence, and he shall be allowed to vote at such school house upon the showing of his registration certificate and otherwise qualifying."

SECTION 5. Applicable to trustees whose terms expire in 1966.—The provisions of this act shall apply to those school trustees whose terms of office expire in 1966, and their successors shall be elected on the second Saturday in May of 1966 and shall take office the following June thirtieth.

SECTION 6. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 12th day of April, 1966.

An Act To Amend Article 1, Chapter 44 Of Title 14, Code Of Laws Of South Carolina, 1962, Relating To The Governing Board For Kershaw County, So As To Provide For A County Council Form Of Government.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Article 1, Chapter 44 of Title 14 amended—Kershaw County to have county council form of government.—Article 1, Chapter 44 of Title 14 of the 1962 Code is amended by striking it out and inserting in lieu thereof the following:

“ARTICLE 1

General Provisions

Section 14-2451. There is hereby provided in and for Kershaw County a system of municipal government, which shall be administered by a county council as herein constituted whose duties, powers, functions and authority shall be as herein provided.

Section 14-2452. The duties, powers, functions and authority of such municipal government shall be vested in a county council. The county council shall be composed of five members to be elected in the 1966 elections for terms to begin January 1, 1967. For the first four-year terms one member of the Council shall be elected from each of the four townships by a majority vote of the resident voters in the townships. The fifth member shall be elected from the county at large and shall be the chairman of the council. In each subsequent election, the members shall be elected at large with the office of chairman being separate and distinct. In the elections for the terms beginning in 1970, the persons receiving the highest number of votes shall be considered elected for four-year terms and the remaining two persons for two-year terms. Thereafter all terms shall be for four years. This section shall not apply to the office of chairman of the council whose term shall remain constant at four years beginning in 1966.

Section 14-2453. The term of office of each elected member of the council shall be for a period of four years. Each vacancy occurring by reason of the expiration of such term of office shall be filled by election in the general election next preceding the expiration date of that term of office. In the event of a vacancy on the county council occurring by reason of death, resignation or removal the vacancy shall be filled for the remainder of the unexpired term by appointment by the Governor on the recommendation of a majority of the legislative delegation for the county.

Section 14-2454. The chairman shall serve as chief executive officer of the county. The council may designate a person to serve as clerk to the council to record its proceedings and perform such additional duties as the council may prescribe.

Section 14-2455. The salary and expenses for the chairman of the council shall be the same as for a member of the General Assembly. The salaries of the remaining members of the council shall be as fixed in the 1966-67 County Supply Bill and such salaries shall not be increased or decreased during the elected term of the member.

Section 14-2456. The council shall decide the time, place and frequency of its meetings for the transaction of official business. Regular meetings shall be held twice each calendar month, and special meetings may be held at such other times as the chairman shall direct, but no special meeting shall be held at any time or place other than on the hour and date and in the place of which the chairman shall give three days' notice by publication in a newspaper of general circulation in the county. Three members of the council shall constitute a quorum for the transaction of official business. All meetings of the council shall be open to the public.

Section 14-2457. No ordinance shall be passed levying a tax, incurring indebtedness or imposing regulations for the health, safety or welfare of the county which shall not have been voted for by at least four members in council assembled. No ordinance which levies a tax, appropriates moneys or incurs bonded indebtedness shall be valid unless the same shall have been read at three regular meetings of the council.

Section 14-2458. Each ordinance or resolution of the council shall be published in full at least once in a newspaper of general circulation in the county at least five days before the effective date thereof. All proceedings of the council shall be recorded, and, annually, all ordinances and resolutions of the council passed during the preceding twelve months shall be printed and made available for public distribution through the office of the council.

Section 14-2459. The county council may legislate in reference to such matters of local concern within the county as is herein provided and, to that end, shall have the following powers:

- (1) To adopt, use and alter a corporate seal;
- (2) (a) To acquire by purchase or gift real property in the name of the county;
- (b) To acquire tangible personal property and supplies;
- (c) To lease, sell or otherwise dispose of real and personal property in the name of the county, including all such property now owned by the county, but only upon sealed proposals after notice

thereof has been given by published advertisement at least once not less than seven days prior to the occasion fixed for the opening of bids;

(3) To make contracts and to execute all instruments necessary or convenient for carrying out the functions committed to it;

(4) To exercise the powers of eminent domain in the manner provided by the general laws of this State for procedure by any county, municipality or authority organized under the laws of this State, by the State Highway Department, by railroad corporations or in any manner provided by law, as the council may, in its discretion, elect;

(5) To make appropriations and to levy taxes therefor for corporate and educational purposes, to build and repair public roads, buildings and bridges, to maintain and support prisoners, pay jurors and county officers, for litigation, quarantine and court expenses, for ordinary county purposes, to support paupers and to pay past indebtedness. To carry out this function the Kershaw County Board of Education is directed to submit annually a recommended budget to the council showing all proposed expenditures for school and educational purposes. The council shall have full authority to change, amend or modify the budget and upon final approval by the council the budget shall be effective;

(6) To provide for the receipt, custody, allocation and disbursement of funds accruing to the county from whatever source derived;

(7) To provide within the county special services, such as refuse or garbage collection and disposal facilities, and to collect service charges from the persons benefited which are at least sufficient to cover the expenses of providing such services;

(8) To incur indebtedness in anticipation of the collection of taxes which have been levied;

(9) To enter into agreements on matters of local concern with agencies and instrumentalities of the Federal government, the State government, political subdivisions of the State and educational, charitable and eleemosynary institutions;

(10) To regulate, control and provide for the construction, maintenance, operation and use of public streets, roads, bridges, sidewalks, drains, courthouses, jails, buildings, prison farms and other public improvements and facilities;

(11) To prescribe methods of accounting for county officers and departments;

(12) To make provision for the conduct of county affairs;

(13) To provide for the appointment of a county manager to serve as may be necessary to manage properly and effectively the affairs of the county;

(14) To create such other agencies and departments as may be deemed advisable and prescribe their duties and functions and to alter or transfer the duties and functions of existing offices, agencies or departments;

(15) To establish policies affecting the selection, appointment, compensation, dismissal and other matters in the control of the administrative employees of the county government;

(16) To appoint and to recommend for appointment all county officials, boards and commissioners now appointed by the Kershaw County Legislative Delegation or recommended for such appointment by the delegation or any boards, commissions or positions appointed by the Governor with advice and consent of the Senate. It is intended that the council shall exercise all power and authority with respect to appointments heretofore exercised by the Kershaw County delegation, the Kershaw County delegation, including the Senator, and the Kershaw County Senator. Nothing contained herein shall be construed as diminishing or terminating the term of any officer or board or commission member who has been elected or appointed for a definite term. This exemption shall likewise apply to the person or persons appointed in 1966 to the offices of auditor and treasurer but, after the expiration of those terms, future recommendations and appointments shall be by the County Council; and

(17) To exercise all the powers formerly vested by law in the County Governing Board as may be found in Article 1, Chapter 44 of Title 14 of the 1962 Code.

Section 14-2460. Nothing in this article contained shall be construed to abridge or affect the powers of any municipality or incorporated township or political subdivision within the county."

SECTION 2. Time effective.—This act shall be effective on January 1, 1967.

Approved the 13th day of April, 1966.

(R983, H2371)

No. 882

An Act To Amend The Code Of Laws Of South Carolina, 1962, By Adding Sections 60-56.1 And 65-1614.1, So As To Provide That In Florence County Certain Deeds Shall Be Endorsed By The Tax Assessor Instead Of The County Auditor And That The Tax Assessor Of The County May Make Returns On All Real Estate; And To Amend Act 819 Of 1964, Relating To Taxation In Florence County, So As To Provide For Returns Of Real Property By The Tax Assessor.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 60-56.1 added—Florence County Tax Assessor to endorse certain deeds.—The Code of Laws of South Carolina, 1962, is amended by adding Section 60-56.1, so as to provide for the Florence County Tax Assessor's endorsement on deeds before they are recorded, which shall read as follows:

"Section 60-56.1. In Florence County deeds, referred to in Section 60-56, shall be endorsed by the county tax assessor instead of the auditor that they have been entered of record in his office before they can be placed on record in the office of the clerk of court."

SECTION 2. Section 65-1614.1 added—tax assessor to make certain returns.—The Code of Laws of South Carolina, 1962, is amended by adding Section 65-1614.1, so as to provide that the Florence County Tax Assessor shall make returns of real property each year, which shall read as follows:

"Section 65-1614.1. In Florence County the tax assessor shall make the returns required in Section 65-1614 between the first day of January and the first day of March in each year."

SECTION 3. Section 4 of Act 819 of 1964 amended—item (10) added—tax assessor to make returns of real estate.—Section 4 of Act 819 of 1964 is amended by adding at the end a new item, to provide for the making of returns of real estate by the tax assessor of Florence County, which shall read as follows:

"(10) Make returns of real estate as required by Section 65-1614.1, Code of Laws of South Carolina, 1962."

SECTION 4. Time effective.—This act shall take effect January 1, 1967.

Approved the 13th day of April, 1966.

(R985, H2393)

No. 883

An Act To Provide For Criminal Terms, Trial Rosters, Jury Trials, Preparation Of Jury Boxes, Drawing Of Juries, And Attendance And Pay Of Jurors In The Court Of The Magistrate For The Florence District In Florence County.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Terms of criminal court for magistrate of Florence District.—The magistrate for the Florence District in Florence County shall provide for a two-day term of his court on Thursday and Friday of the first week of each month for jury trials in criminal cases. In such cases, the county attorney, or such other qualified attorney as he may designate, shall represent the State in all prosecutions, at no additional expense to the county.

SECTION 2. Roster of cases.—In all criminal cases in which a jury may be demanded by either the State or the defendant, the cause shall be placed upon a list to be maintained by the magistrate. The list shall be used by the magistrate and the county attorney to prepare a roster of cases to be tried at each term of court. Once a case is scheduled for trial at a term of court, it shall not be continued except for legal cause.

SECTION 3. Jurors.—The Jury Commission of Florence County shall, within the first thirty days of each year, prepare a jury box for the magistrate for the Florence District for use in his court in jury trials in criminal cases. The box shall be furnished by the governing body of the county and shall have two compartments, marked "A" and "B", respectively. In compartment "A" the jury commission shall place the names of not less than five hundred qualified electors residing within the territorial jurisdiction of the court, to be selected at random, who are eligible for jury duty. If the jury commission fails to prepare the jury box within the time provided, it shall be prepared by the magistrate within ten days from discovery of the failure to prepare it, on notice from anyone in interest, and the box, when so prepared, shall be used until the next jury box is prepared. Not less than ten, nor more than twenty, days prior to the rising of a term of court, the jury commissioners shall draw thirty-six ballots containing the names of eligible jurors. These jurors shall constitute the venire for the term of court. No term of court shall be commenced without having then available at least twenty-four qualified jurors.

SECTION 4. Summoning jurors.—The magistrate, his clerk or appointee, shall prepare a subpoena for each juror drawn under the provisions of Section 2, requiring him to be present at the holding of the court at a time specified therein. Each subpoena shall be served on the person named therein by the sheriff of the county, his deputy, any magistrate's constable or any other peace officer.

SECTION 5. Selection of jurors.—The magistrate, his clerk or appointee, shall place the ballots so drawn in another box, or container, and shall draw out one and the person so drawn out shall be one of the jury, unless challenged by either party. The magistrate, his clerk or appointee, shall then proceed to draw names from such box or container until he shall have drawn six who have not been challenged. Neither party shall be allowed more than six challenges, but if the first twelve drawn shall be challenged and the parties do not agree to a choice, the next six shall constitute the jury. When any of the six jurors so drawn cannot be had or are disqualified by law to act in such case and the parties do not supply the vacancy by agreement, the magistrate, his clerk or appointee, shall proceed to draw out of such jury box ballots for three times the number thus deficient, which shall be disposed of and be drawn as above provided. After any term of court the magistrate, his clerk or appointee, shall place all ballots drawn out of compartment "A" of the jury box in compartment "B" where they shall remain until all the names in compartment "A" have been exhausted, at which time all the names in compartment "B" shall be returned to compartment "A" and, thereafter, juries shall continue to be drawn therefrom in the manner herein provided.

SECTION 6. Jurors to serve only once a year.—No person shall be required to serve as a juror more than once each year in Magistrate's Court for Florence District.

SECTION 7. Pay of jurors.—Jurors summoned as provided in this act shall be paid as are jurors serving in the Circuit Court of Florence County.

SECTION 8. Manner of paying jurors and witnesses.—The magistrate, in allowing pay and mileage to witnesses and jurors, shall issue pay certificates similar to those used by the clerk of the court of common pleas and the civil court of Florence. The county treasurer shall, upon presentation, honor and pay the amount called for by such certificates in like manner as is done for certificates issued

to the jurors and witnesses in the court of common pleas and the civil court of Florence.

SECTION 9. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 13th day of April, 1966.

(R986, H2396)

No. 884

An Act To Provide For A Referendum Concerning The Abolishment Of The Office Of Game Warden For Union County, And To Repeal Sections 28-1169 Through 28-1169.2, Code Of Laws Of South Carolina, 1962, If A Majority Of Voters Favor Abolishing Such Office.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Referendum concerning abolishment of office of Game Warden for Union County.—The Union County Commissioners of Election shall conduct a referendum in Union County on the second Tuesday in June 1966 at which time the qualified electors shall vote upon the following question using ballots containing the following language:

Shall the office of Game Warden for Union County be abolished at the expiration of the term of the game warden to be elected during 1966?

☐ YES

☐ NO

SECTION 2. Sections 28-1169 through 28-1169.2 repealed, contingent on election.—If a majority of those voting in the election vote in favor of abolishing the office of Game Warden in Union County, Sections 28-1169 through 28-1169.2, Code of Laws of South Carolina, 1962, are repealed at the expiration of the term of the game warden to be elected during 1966.

SECTION 3. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 13th day of April, 1966.

(R987, H2424)

No. 885

An Act To Create The Florence County Planning Commission.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Florence County Planning Commission created.—

There is hereby created the Florence County Planning Commission which shall consist of nine members, to be appointed by the Governor upon the recommendation of a majority of the county legislative delegation for terms of four years and until their successors are appointed and qualify, except that four of the original appointees shall serve for two years only. The length of the terms of each member shall be decided by lot. Vacancies shall be filled for the unexpired portion of the terms in the same manner as the original appointments.

SECTION 2. Officers — director — compensation.—The commission shall elect from its membership such officers as it deems necessary and may, in its discretion, employ a director whose salary, if any, shall be fixed in the annual county appropriations act. The commission shall elect from its membership a treasurer who shall be bonded at least to the extent of any funds handled. The members of the commission shall serve without compensation, but shall be allowed such per diem and mileage as provided by law for boards, commissions and committees.

SECTION 3. Powers and duties.—The commission shall have the following powers and duties:

(a) promote public interest in and understanding of the economic and social necessity for long-term coordinated planning;

(b) confer and cooperate with the Federal, State, municipal and other county and regional authorities regarding matters pertaining to, or affecting, the planning or development of Florence County.

(c) plan, prepare and keep up to date a program of public works and budgets therefor, including but not limited to water and waste or sewage disposal programs, particularly in rural areas, and to that end the various officials, departments and agencies of the county shall cooperate with the commission;

(d) The commission, its members, officers and employees, in the performance of their functions, may enter upon any land and make necessary examinations and surveys; and

(e) In general, the commission shall have such powers as may be appropriate to enable it to fulfill its functions and duties, to promote planning, and to carry out the purpose of this act.

SECTION 4. Not applicable to certain municipalities.—The provisions of this act shall not apply to any municipality in the county which has a planning commission, unless the governing body of such municipality shall elect to come under the provisions of this act.

SECTION 5. Accept gifts and grants.—The commission may accept gifts and grants of money either from private or public sources to be used in the promotion of its program.

SECTION 6. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 13th day of April, 1966.

(R988, H2346)

No. 886

An Act To Amend Chapter 5, Title 65, Code of Laws Of South Carolina, 1962, as Amended, Relating To Income Taxes, By Adding Sections 65-256.1, 65-256.2, 65-256.3 And 65-256.4, So As To Eliminate, Over A Seven Year Period, The Special Taxation Of Public Service Corporations Under Section 65-256 And To Provide For The Allocation And Apportionment Of The Taxable Income Of Multi-State Public Service Corporations; To Prohibit The Deduction For Interest Or Rents Between Subsidiaries And Parent Corporations; And To Repeal Sections 65-256, 65-257 And 65-263, Code Of Laws Of South Carolina, 1962.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Sections 65-256.1, 65-256.2, 65-256.3 and 65-256.4 added and Sections 65-256, 65-257 and 65-263 repealed—taxing of public service corporations.—Chapter 5, Title 65 of the 1965 Code, as amended, is further amended by adding Sections 65-256.1, 65-256.2, 65-256.3 and 65-256.4 as follows, so as to eliminate, over a seven year period, the special taxation of Public Service Corporations under Section 65-256; to provide for the allocation and apportionment of the taxable income of multi-state Public Service Corporations; and to prohibit the deduction for interest or rents between subsidiaries and parent corporations:

“Section 65-256.1. For taxable years beginning in 1967, 1968, 1969, 1970, 1971 and 1972, hereinafter referred to as the ‘credit period,’ a corporation required to determine its net taxable income

under the provisions of Sections 65-256, 65-257 and 65-263, herein referred to as a public service corporation, shall be allowed a credit against the tax based upon net taxable income as so computed pursuant to such sections. The credit shall be an amount equal to the difference between the tax based on net taxable income computed in accordance with Sections 65-256, 65-257 and 65-263 and the tax based on net taxable income computed as if such corporation were not a public service corporation multiplied by the following percentages for the taxable years stated:

- For taxable years beginning in 1967, fourteen per cent;
- For taxable years beginning in 1968, twenty-eight per cent;
- For taxable years beginning in 1969, forty-two per cent;
- For taxable years beginning in 1970, fifty-seven per cent;
- For taxable years beginning in 1971, seventy-one per cent; and
- For taxable years beginning in 1972, eighty-five per cent.

Where the determination of net income as a corporation other than a public service corporation results in a loss, the percentage for the taxable year stated in the table above shall be applied to the tax computed for the year under Sections 65-256, 65-257 and 65-263. The amount thus determined shall be the amount of credit granted for the year stated."

"Section 65-256.2. As of the beginning of the first taxable year of the credit period the basis of the property of any public service corporation for the purpose of computing depreciation under Section 65-259 (8) and for the purpose of computing gain or loss under Section 65-271 shall be the same basis as such property had on the last day of the taxable year ending prior to the credit period, except that the basis used for federal income tax purposes, adjusted for any unrecovered cost at, or any excess cost recovered prior to, the credit period may be used by any public service corporation.

In computing the net taxable income of corporations referred to in Section 65-256.1, interest paid between subsidiaries and parent corporations and affiliated corporations shall not be allowed as a deduction.

All rentals or other payments required to be made as a condition to the continued use or possession for the purpose of the trade of property to which the taxpayer has not taken or is not taking title or in which he has no equity except rentals or other such payments paid between subsidiaries and parent corporations and affiliated corporations shall be allowed as a deduction.

Any corporation provided for in Section 65-222 shall not include interest or rent received from its subsidiaries or affiliated corporations as income if such interest or rent received was not allowed as a deduction by such subsidiaries or affiliated corporations for South Carolina income tax purposes.

For the purposes of this section:

(1) The term 'parent corporation' shall include any subsidiary of the parent corporation.

(2) A corporation shall be deemed a subsidiary of another corporation hereby designated the parent corporation when directly or indirectly, it is subject to control by such other corporation by stock ownership, interlocking directors, or by any other means whatsoever exercised by the same or associated financial interest, whether such control is direct or through one or more subsidiaries, affiliated or controlled corporations.

(3) A corporation shall be deemed an affiliate of another corporation when both are directly or indirectly controlled by the same parent corporation or by the same or associated financial interests by stock ownership, interlocking directors, or by any other means whatsoever whether such control be direct or through one or more subsidiaries affiliated or controlled corporations.

Depreciable property acquired prior to the credit period shall continue to be depreciated under the methods of depreciation used for such prior period. Depreciable property acquired during and after the credit period may be depreciated in computing income as a corporation other than a public service corporation under any of the methods referred to in Federal Internal Revenue Code Sections 167 and 179 and applicable regulations."

"Section 65-256.3. For the purpose of the credit granted by Section 65-256.1, corporations entitled thereto, computing their tax as corporations other than public service corporations, shall apportion their remaining income, after allocation of income in accordance with Sections 65-279.1 and 65-279.2, in accordance with Sections 65-279.3 through 65-279.10, except for the following companies:

(1) *Railroad Companies.* Where the income is derived principally from the operation of a railroad the corporation shall apportion its net apportionable income to South Carolina on the basis of the ratio of 'railway operating revenue' from business done within this State to 'total railway operating revenue' from all business done by the taxpayer as shown by its records kept in accordance with the

Uniform System of Accounts prescribed by the Interstate Commerce Commission. For purposes of this subsection 'railway operating revenue from business done within this State' shall mean 'railway operating revenue' from business wholly within this State, plus the equal mileage proportion within this State of each item of 'railway operating revenue' received from the interstate business of the taxpayer. 'Equal mileage proportion' shall mean the proportion which the distance of movement of property and passengers over lines in this State bears to the total distance of movement of property and passengers over lines of the taxpayer receiving such revenues. 'Interstate business' shall mean 'railway operating revenue' from the interstate transportation of persons or property into, out of, or through this State. If the Commission shall find, with respect to any particular taxpayer, that its accounting records are not kept so as to reflect with exact accuracy such division of revenue by state lines as to each transaction involving interstate revenue, the Commission may adopt such regulations, based upon averages, as will approximate with reasonable accuracy the proportion of interstate revenue actually earned upon lines in this State. *Provided*, that where a railroad is being operated by a partnership which is treated as a corporation for income tax purposes and pays a net income tax to this State, or if located in another state would be so treated and so pay as if located in this State, each partner's share of the net profits shall be considered as dividends paid by a corporation for purposes of this article and shall be so treated for inclusion in gross income, deductibility, and separate allocation of dividend income.

(2) *Motor carriers of property and passengers.* Motor carriers of property shall apportion their net apportionable income to South Carolina by the use of the ratio of vehicle miles within South Carolina to total vehicle miles everywhere.

(3) *Telephone Companies.* Companies engaged in the furnishing of telephone service shall make returns and pay annually an income tax upon a proportion of their remaining net income computed on the basis of the gross receipts in this State during the income year to the total gross receipts of such year within and without the State. The term "gross receipts" shall mean the total monies collected or collectible for services or tolls wholly within, originating or terminating in South Carolina.

(4) *Pipeline Companies.* All business income of pipeline companies, derived from transportation for hire, shall be apportioned to this

State by multiplying the income by a fraction, the numerator of which is the revenue ton miles, revenue barrel miles or revenue cubic foot miles within this State during the tax period, and the denominator of which is the total revenue ton miles, revenue barrel miles or the total revenue cubic foot miles, of the taxpayer everywhere during the tax period. For purposes of this subsection, a revenue ton mile, a revenue barrel mile or a revenue cubic foot mile shall mean respectively one ton of solid property, one barrel of liquid property or one cubic foot of gaseous property transported one mile. All business income of pipeline companies, derived from the sale of tangible property and sources other than that defined herein, shall be apportioned to this State as provided in Section 65-279.3 through Section 65-279.6 of the 1962 Code.

(5) *Airline Companies.* Where the income is derived principally from the operation of an airline, the corporation shall apportion its net apportionable income to South Carolina on the basis of the ratio of the arithmetical average of each class of revenue derived from passengers or commodities loaded or unloaded in this State to the total revenue derived from each class loaded or unloaded everywhere. The word "commodities" includes, but is not limited to freight, mail, express and excess baggage."

"Section 65-256.4. Sections 65-256, 65-257 and 65-263 of the 1962 Code are repealed with respect to taxable years beginning on and after January 1, 1971. Public Service Corporations after December 31, 1972 shall determine net taxable income in accordance with the provisions applicable to corporations other than public service corporations and shall use in such determinations the basis and apportionment requirements of Sections 65-256.2 and 65-256.3."

SECTION 2. Time effective.—Upon the approval by the Governor, this act shall be effective for taxable years beginning on and after January 1, 1967.

Approved the 13th day of April, 1966.

(R989, H2376)

No. 887

An Act To Create The Chester County Planning And Development Commission.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Chester County Planning and Development Commission created.—There is hereby created a commission in and for Chester County, to be known as “The Chester County Planning and Development Commission,” which shall be composed of five members, to be appointed by the majority of the members of the legislative delegation representing Chester County. Their terms of office shall be for four years and until their successors are appointed and qualify. Any vacancy existing in the membership of the commission by reason of death or resignation, or otherwise, shall be filled for the unexpired term by appointment in the same manner as the original term. All appointments by the legislative delegation to membership on this commission shall be transmitted to the Clerk of Court of Chester County, who shall properly record them on the permanent records in his office.

SECTION 2. Purpose.—The commission is created for the purpose of promoting the agricultural, industrial and commercial expansion and development in Chester County.

SECTION 3. Officers — meetings — compensation.—The commission shall elect one of its members as chairman and shall appoint a secretary-treasurer, who may or may not be a member of the commission. Meetings of the Commission shall be held at the call of the chairman and at such other times as the commission may determine. The commission shall serve without pay but may provide for the reimbursement of the members for actual expenses incurred in attending meetings and other necessary expenses incurred in connection with business for the commission, upon approval of the governing body of Chester County.

SECTION 4. Powers and duties.—The commission shall have authority to purchase, accept title to, or lease or otherwise acquire, in the name of the county, lands, buildings, utilities and other related appurtenances, for the promotion of agricultural, commercial and industrial development in the county. The commission shall have full authority to negotiate with any concern desiring to locate an agricultural, commercial, or industrial establishment in Chester County, and may sell, lease, convey and pass title to any lands, buildings, utilities and other related appurtenances purchased by the commission pursuant to the authority granted by this act, at such price as may be set by the commission. The commission is further authorized to expend necessary funds in advertising and promoting those fea-

tures of Chester County that are considered most likely to accomplish the purposes of this act in accordance with appropriations made for this purpose. But no purchase, acquisition of title to property, sale or lease shall be entered into by the commission until a resolution shall have been passed by the commission after a finding of facts that in their judgment such act is in the best interest of the people of Chester County and for the economic good of the county.

SECTION 5. Gifts and grants.—The commission may accept gifts and grants of money from either private or public sources to be used in the promotion of its program, and all such moneys shall be accounted for in the same manner as funds appropriated by Chester County.

SECTION 6. Cooperate with other agencies.—For the purpose of carrying out the provisions of this act, the commission is authorized to cooperate with the State Development Board, and with all towns, chambers of commerce, business leagues, civic clubs and other similar organizations in Chester County and all other agencies and organizations within and without the county which the commission may desire to cooperate with in the furtherance of the development and advertisement of Chester County.

SECTION 7. Appropriation.—Such money as may be necessary to carry out the provisions of this act shall be appropriated from county funds.

SECTION 8. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 13th day of April, 1966.

(R990, H2394)

No. 888

An Act To Create The East Cooper Water District Of Charleston County And To Prescribe Its Area And Functions; To Provide For Its Governing Body, Its Terms, Powers And Duties; And To Provide Penalties For Certain Actions.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. East Cooper Water District of Charleston County created.—There is hereby created a body corporate and politic of

perpetual succession to be known as the East Cooper Water District of Charleston County (the District). The purpose of the District shall be to acquire, construct and operate a waterworks system, utilizing therefor water from available sources, by purchase or otherwise, at such convenient points as the District shall select to provide a flow of water through pipes to the areas described in Section 2 of this act, and to such other domestic, commercial or industrial users who can be conveniently and economically served within or without the service area. The District shall be vested with the powers herein granted and all other powers that may be necessary or incidental in carrying out the functions herein prescribed and exercising the powers herein granted. The water mains, distribution facilities, tanks, their several component parts, and all apparatus, equipment and property incident thereto or used or useful in the operation thereof and all additions, improvements, extensions and enlargements to any of them shall be referred to in this act as the system.

SECTION 2. Service area.—The service area shall be defined as all of the lands within the corporate limits of the Towns of Mount Pleasant, Sullivans Island and Isle of Palms, as of the date of this act, and to also include any and all areas that would be annexed to any of these three towns in the future. The service area, for the purpose of this act, shall also include an area of land to be acquired by the East Cooper Water District of Charleston County for the installation and maintenance of its water receiving plant, which could possibly be located outside of the corporate limits of any of these three towns, should it be deemed advisable to transmit water over or under the Cooper River to the East Cooper area of Charleston County from the City of Charleston.

SECTION 3. To be managed by board of directors.—The district shall be operated and managed by a Board of Directors to be known as East Cooper Water District Board of Charleston County which shall constitute the governing body of the District. The Board shall consist of seven resident electors of the area, three being from Mt. Pleasant; two being from Isle of Palms and two being from Sullivans Island. The first members of the Board shall be G. M. Darby, Jr., S. V. Sottile, George G. Durst and William E. Pherigo, who shall serve for terms of six years each, and Edward H. Robertson, Charles M. Anderegg and Joseph H. Hammer, who shall serve for terms of three years each. Their successors shall be appointed by

the Governor, upon recommendation of a majority of the members of the House of Representatives and a majority of the senators from Charleston County. All members of the Board shall hold office until their successors shall have been appointed and qualified. Any vacancy on the Board, however occurring, shall be filled for the unexpired term in the manner provided for appointment of successors to the first members of the Board. Immediately after their qualification, the Board shall meet and organize by election of one of its members as chairman, one as vice chairman, and one as secretary and one as treasurer. The offices of the secretary and treasurer may be combined in the discretion of the Board.

SECTION 4. Powers and duties.—The District, acting through its governing body, is hereby vested with all such powers as may be necessary or incidental to carry out its purposes, functions and responsibilities including, but without limitation, the following:

- (1) To have perpetual succession.
- (2) To sue and be sued.
- (3) To adopt, use and alter a corporate seal.
- (4) To define a quorum for meetings.
- (5) To maintain a principal office.
- (6) To make by-laws for the management and regulation of its affairs.
- (7) To build, construct, maintain and operate ditches, tunnels, culverts, flumes, conduits, mains, pipes, dikes, dams and reservoirs, within the area East of the Cooper River.
- (8) To build, construct, maintain and operate distribution systems for the distribution of water for domestic or industrial use, within the area East of the Cooper River.
- (9) To acquire and operate any type of machinery, appliances or appurtenances, necessary or useful in construction, operating and maintaining the system.
- (10) To contract for or otherwise acquire a supply of water and sell water for industrial or domestic use, within the area East of the Cooper River.
- (11) To prescribe rates and regulations under which such water shall be sold for industrial and domestic use.
- (12) To enter into contracts of long duration for the sale of water for consumption within the area east of the Cooper River, with persons, private corporations, municipal corporations or public bodies or agencies within the area east of the Cooper River.

(13) To prescribe such regulations as it shall deem necessary to protect from pollution all water in its pipes, tanks, reservoirs, distribution systems or elsewhere within its system.

(14) To make contracts of all sorts and to execute all instruments necessary or convenient for the carrying on of the business of the District.

(15) To acquire, purchase, hold, use, lease, mortgage, sell, transfer and dispose of any property, real, personal or mixed, or any interest therein.

(16) To make use of county and State highway rights-of-way in which to lay pipes and lines in such manner and under such conditions as the appropriate officials in charge of such rights-of-way shall approve.

(17) Subject always to the limitations of Section 4, Article VIII, of the Constitution of this State, to make use of all the streets and public ways of an incorporated municipality for the purpose of laying pipes and lines.

(18) To alter and change county and State highways wherever necessary to construct the system under such conditions as the appropriate officials in charge of such highways shall approve.

(19) To exercise the power of eminent domain for any corporate function. The power of eminent domain may be exercised through any procedure prescribed by Sections 25-101 through 25-140 and 33-121 through 33-148, of the 1962 Code, as now or hereafter constituted, it being the intent of this provision that further amendments and modifications of these code provisions shall be deemed to amend and revise correspondingly the powers granted by this paragraph.

(20) To appoint officers, agents, employees and servants, to prescribe the duties of such, to fix their compensation and to determine if and to what extent they shall be bonded for the faithful performance of their duties.

(21) To make contracts for construction and other services; *provided*, that such contracts shall be let on competitive bidding and shall be awarded to the lowest responsible bidder.

(22) To borrow money and to make and issue negotiable bonds, notes and other evidences of indebtedness, payable solely from all or any part of the revenues derived from the operation of its system. The sums borrowed may be those needed to pay all costs incident to the construction and establishment of the system, and any extensions, additions and improvements thereto, including engineering costs, legal costs, construction costs; the sum needed to pay interest

during the period prior to which the system, or any extension, addition or improvement thereof, shall be fully in operation; such sum as is needed to supply working capital to place the system in operation; and all other expenses of any sort that the district may incur in establishing, extending or enlarging the system. Neither the full faith and credit of the State of South Carolina, nor the County of Charleston, nor of the District, shall be pledged for the payment of the principal and interest of the obligations, and there shall be on the face of each obligation a statement, plainly worded, to that effect. Neither the members of the board, nor any person signing the obligations, shall be personally liable thereon. To the end that a convenient procedure for borrowing money may be prescribed, the District shall be fully empowered to avail itself of all powers granted by Sections 59-361 through 59-415 and 59-651 through 59-682, of the 1962 Code, as now or hereafter constituted, it being the intent of this provision that further amendments and modifications of the code provisions shall be deemed to amend and revise correspondingly the powers granted by this paragraph. In exercising the power conferred upon the District by such code provisions, the District may make or omit all pledges and covenants authorized by any provision thereof, and may confer upon the holders of its securities all rights and liens authorized by law. Notwithstanding contrary provisions in the Code, the District may:

(a) Disregard any provision requiring that bonds have serial maturities, and issue bonds in such form and with maturities as the District shall determine.

(b) Provide that its bonds, notes or other evidence or indebtedness be payable, both as to principal and interest, from the net revenues derived from the operation of its system, as such net revenues may be defined by the District.

(c) Covenant and agree that upon it being adjudged in default as to the payment of any installment of principal or interest upon any obligation issued by it, or in default as to the performance of any covenant or undertaking made by it, in such event, the principal of all obligations of such issue may be declared forthwith due and payable notwithstanding that any of them may not have then matured.

(d) Confer upon a corporation trustee the power to make disposition of the proceeds from all borrowings and of all revenue derived from the operation of the system in accordance with the resolutions

adopted by the District as an incident to the issuance of any notes, bonds or other types of securities.

(e) Dispose of bonds, notes or other evidence of indebtedness at public or private sale, and upon such terms and conditions as it shall approve.

(f) Make provision for the redemption of any obligations issued by it prior to their stated maturity with or without premium, and on such terms and conditions as the District shall approve.

(g) Covenant and agree that any cushion fund established to further secure the payment of the principal and interest of any obligation shall be in a fixed amount.

(h) Covenant and agree that no free service will be furnished to any person, municipal corporation, or any subdivision or division of the State.

(i) Prescribe the procedure, if any, by which their terms of the contract with the holders of its obligations may be amended, the number of obligations whose holders must consent thereto, and the manner in which consent shall be given.

(j) Prescribe the events of default and the terms and conditions upon which all or any obligations shall become or may be declared due before maturity and the terms and conditions upon which such declarations and their consequences may be waived.

(23) To extend its system or systems beyond the defined limits of the District so as to provide service to those living outside of the District and East of the Cooper River in Charleston County, outside any incorporated municipality, when, in the discretion of the Board, it is feasible and practicable to do so, in which case any person or agency receiving such service shall be subject to the same rules, regulations and requirements concerning services being received from the District as persons residing within the District. The Board may, in its discretion, establish rates and charges higher than those within the District for the extension of its system and the provision of services beyond the limits of the District.

SECTION 5. Rates not to be regulated.—The rates charged for services furnished by the system as constructed, improved, enlarged and extended, shall not be subject to supervision or regulation by any State bureau, board, commission or like instrumentality or agency thereof.

SECTION 6. Exempt from taxes.—(1) Bonds, notes or other evidences of indebtedness issued pursuant to Section 4(22) of this act

and interest payable thereon are hereby exempted from any and all State, county, municipal and other taxation whatsoever under the laws of this State, and it shall be plainly stated on the face of each such obligation as follows:

The principal of and interest on these bonds, notes or other evidences of indebtedness are exempted from any and all State, county, municipal and other taxation whatsoever under the laws of the State of South Carolina.

(2). All property owned by the District shall be exempt from all ad valorem taxes levied by the State, county or any municipality, division, subdivision, or agency thereof, direct or indirect.

SECTION 7. Fiscal year, audit and annual report.—The District shall conduct its affairs on the fiscal year basis employed by the State. As shortly after the close of its fiscal year as may be practicable, an audit of its affairs shall be made by certified public accountants of good standing, to be designated by the District. Copies of such audits incorporated into an annual report of the District shall be filed with the Auditor and Treasurer of Charleston County, and with the Secretary to the Legislative Delegation of Charleston County.

SECTION 8. Penalties for unlawful acts.—It shall be unlawful for any person to wilfully injure or destroy, or in any manner hurt, damage, tamper with, or impair the system of the District, or any part thereof, or any machinery, apparatus or equipment of the District, or to obtain water therefrom except in accordance with the regulations promulgated by the District. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction, shall be fined not less than ten dollars nor more than one hundred dollars, or be imprisoned for not more than thirty days, in the discretion of the court, and shall be further liable to pay all damages suffered by the District.

SECTION 9. Public entities may purchase water.—Any municipality which lies to the East of the Cooper River in Charleston County and any private corporation, public body and public agency now or hereafter operating water distribution systems in the area East of the Cooper River in Charleston County shall be fully empowered to enter into contracts to buy water from the District for consumption in the area East of the Cooper River.

SECTION 10. Not to affect other agencies.—Nothing in this act shall be interpreted so as to prohibit other public agencies now possessing the right (including the Commissioners of Public Works of the City of Charleston), from selling water to persons and corporations in the area lying East of the Cooper River in Charleston County, through its own distribution system or otherwise.

SECTION 11. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 13th day of April, 1966.

(R992, H2366)

No. 889

An Act To Amend Section 21-2701, Code Of Laws Of South Carolina, 1962, Relating To The Florence County Higher Education Commission, So As To Increase The Ex Officio Members Of The Commission.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 21-2701 amended—Florence County Higher Education Commission created.—Section 21-2701 of the 1962 Code is amended on line eleven by striking the word “four” and inserting “five”. The section when amended shall read as follows:

“Section 21-2701. There is hereby created the Florence County Higher Education Commission. The Commission shall be composed of five members, who shall be appointed by the Governor upon the recommendation of the Senator and a majority of the members of the House of Representatives from Florence County. The members of the Commission shall serve for a term of two years or until their successors have been appointed and qualified; *provided*, however, the first term of three of the members shall be for a period of only one year. The Commission shall elect a chairman and a secretary from among its membership, and organize further as it may desire. The county superintendent of education of Florence County and the superintendents of each of the five school districts in Florence County shall serve as ex officio members of the Commission. Notice of all meetings of the Commission shall be given to such ex officio members with an invitation to attend. The meetings of the Commission shall be held in the office of the county superintendent of education. The

Commission may meet at such times as it may deem necessary, such meetings to be called by the chairman, or upon the written request of at least three of its members.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 13th day of April, 1966.

(R997, H2405)

No. 890

An Act Authorizing School District No. 1 Of Florence County To Sell Buildings Built By Carpentry Or Brick Masonry Classes Of The District.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Florence County School District may sell certain structures.—Any building or structure built by any carpentry or brick masonry class of School District No. 1 in Florence County may be sold at its fair market value upon approval of the board of trustees of the school district.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 13th day of April, 1966.

(R998, H2408)

No. 891

An Act To Create The Union County Planning Commission.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Union County Planning Commission created.—There is hereby created the Union County Planning Commission which shall consist of nine members, to be appointed by the Governor upon the recommendation of a majority of the county legislative delegation for terms of four years and until their successors are appointed and qualify, except that four of the original appointees shall serve for two years only. The length of the terms of each mem-

ber shall be decided by lot. Vacancies shall be filled for the unexpired portion of the terms in the same manner as the original appointments.

SECTION 2. Officers—director—compensation.—The commission shall elect from its membership such officers as it deems necessary and may, in its discretion, employ a director whose salary, if any, shall be fixed in the annual county appropriations act. The commission shall elect from its membership a treasurer who shall be bonded at least to the extent of any funds handled. The members of the commission shall serve without compensation, but shall be allowed such per diem and mileage as provided by law for boards, commissions and committees.

SECTION 3. Powers and duties.—The commission shall have the following powers and duties:

(a) promote public interest in and understanding of the economic and social necessity for long-term coordinated planning;

(b) confer and cooperate with the Federal, State, municipal and other county and regional authorities regarding matters pertaining to, or affecting, the planning or development of Union County;

(c) plan, prepare and keep up to date a program of public works and budgets therefor, including but not limited to water and waste or sewage disposal programs, and to that end the various officials, departments and agencies of the county shall cooperate with the commission;

(d) prepare, either through its own officers and agents or by contract with firms or individuals, a comprehensive plan for Union County, which will encompass water and sewer facilities, recreational facilities, private developments for residential, agricultural, commercial and industrial uses, and which will promote the general health and welfare of the county, encourage the distribution of population, and set forth classification of land uses as will tend to facilitate adequate provisions for a water supply and sanitation, and to include in such plan a detailed layout of existing water and sewer systems and the future pattern of proposed water and sewer systems;

(e) The commission, its members, officers and employees, in the performance of their functions, may enter upon any land and make necessary examinations and surveys; and

(f) In general, the commission shall have such powers as may be appropriate to enable it to fulfill its functions and duties, to promote planning, and to carry out the purpose of this act.

SECTION 4. Not to apply to certain municipalities.—The provisions of this act shall not apply to any municipality in the county

which has a planning commission, unless the governing body of such municipality shall elect to come under the provisions of this act.

SECTION 5. Gifts and grants.—The commission may accept gifts and grants of money either from private or public sources to be used in the promotion of its program.

SECTION 6. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 13th day of April, 1966.

(R1001, H2416)

No. 892

An Act To Establish A Board Of Fire Control For Chester County And To Define Its Powers And Duties; To Provide For Handling Of Claims Against Funds Of The Board; To Provide For The Purchase And Assignment Of Equipment; To Provide Services Without Cost; To Authorize The Levying Of Taxes Or Borrowing Of Funds To Finance Purchase Of Apparatus; To Provide That Members Of Fire Departments May Direct Traffic And Make Investigations; To Provide Penalties For Interference With Firemen Or Fire Apparatus And For The Giving Of False Alarms; And To Repeal Article 5 Of Chapter 28 Of Title 14, Code Of Laws Of South Carolina, 1962.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Board of Fire Control for Chester County created.—For the purpose of fire protection and control in the County of Chester, a Board of Fire Control for Chester County, hereinafter referred to as the board, is hereby established. The board shall consist of five members, who shall be appointed by the Governor upon the recommendation of the legislative delegation representing Chester County, for terms of office of four years and until their successors are appointed and qualify. Vacancies on the board shall be filled in the manner of the original appointment for the unexpired term. Members may succeed themselves. The members of the board shall receive such per diem and mileage as authorized by law for boards, commissions and committees for each day in which they are engaged in the business of the board.

SECTION 2. Officers—meetings—finances.—Within fifteen days after their appointment and receipt of their commission, the members of the board shall meet at the office of the county manager and organize by selecting one of their members as chairman and one as secretary. The chairman shall preside at all meetings and perform such other duties as are imposed upon him by the board. The chairman, or a majority of the members, is authorized to call meetings from time to time as the business of the board demands. The board shall meet at least once each month. The board shall have full authority to determine upon the place of meetings and prescribe rules for the administration of the duties imposed upon it by law, and the board shall report annually to the clerk of the court of the county its financial transactions.

SECTION 3. Formulate plan for fire control.—The board shall make a study and survey of the fire protection and control problem in the county with a view to formulating a plan of fire control.

SECTION 4. Rules and regulations.—The board shall have the power to promulgate rules and regulations necessary to the discharge of its duties and responsibilities under this act.

SECTION 5. Approval of plan.—Before taking any other action pursuant to this act, the board shall conduct the study and survey provided for in Section 3 and shall formulate a comprehensive plan of fire control for the county, including the establishment or designation of areas of fire control responsibility throughout the county, so as to obtain the maximum fire control at the minimum cost to the taxpayers of the county, and to establish appropriate fire response areas. No provision of this act, except those provisions made necessary by this section, shall become effective until after the submission to and approval of such plan by the legislative delegation representing Chester County.

SECTION 6. Claims.—No claim against any fund in the hands of the treasurer to the credit of the board shall be paid by the treasurer unless such claim be itemized and approved, in writing, by a majority of the board.

SECTION 7. Purchase and assignment of equipment.—The board may under the provisions of this act, out of the funds made available to it, purchase fire trucks and other equipment suitable for use in controlling and fighting fire. The responsibility for the use, operation, and housing such fire trucks and equipment shall be established by appropriate regulations promulgated by the board.

The board may assign and reassign, if necessary, fire-fighting trucks and equipment to any place within Chester County that it deems best in order to carry out the purposes of this act.

SECTION 8. Service to be free.—All services rendered, including the personnel used in the fighting or controlling of fires, shall be without cost or charge to the person to whom such services are rendered.

SECTION 9. Tax levy—borrow money.—In order to finance the purchase of fire-fighting machinery and equipment by the board, the county auditor shall levy and the county treasurer shall collect a sufficient tax on all the taxable property of the county, except that the county auditor shall eliminate this levy upon written approval of the governing body of the county. The board, along with the county treasurer, with the written approval of the governing body of the county, may borrow funds for the purpose of purchasing fire-fighting machinery and may pledge for the payment thereof such revenues as may be derived or anticipated from any tax levied pursuant to this act. The full faith, credit and taxing power of the county are hereby pledged for the payment of any indebtedness accrued under this act.

SECTION 10. Members to enforce fire laws.—All members of fire departments of the county may direct and control traffic at the scene of any fire in the county and enforce the laws of this State relating to the following of fire apparatus, crossing of fire hose and interfering with firemen in the discharge of their duties in connection with a fire in like manner as is provided for the enforcement of such laws of peace officers.

SECTION 11. Investigate fires.—All members of fire departments in the county may investigate the origin of fires in the county and may arrest any person found at the scene or near a fire when it is suspected that such person has set or caused to be set fire to any dwelling house, building, or other properties situate within the county. Any such person so arrested shall be forthwith delivered to the custody of the sheriff of the county.

SECTION 12. Certain acts unlawful.—It shall be unlawful to interfere with a member of a fire department in the discharge of his duties in the county or to interfere with any fire apparatus used in the county and any person so offending shall be subject to a fine of not exceeding one hundred dollars or imprisonment not exceeding thirty days.

SECTION 13. Penalties.—It shall be unlawful for any person or persons to wilfully or knowingly give a false alarm of fire in the county, and any person or persons violating the provisions of the section shall, upon conviction, be deemed guilty of a misdemeanor and be punished by a fine not exceeding one hundred dollars or by imprisonment for not more than thirty days, or by both such fine and imprisonment.

SECTION 14. Article 5, Chapter 28 of Title 14 repealed.—Article 5 of Chapter 28 of Title 14, Code of Laws of South Carolina, 1962, is hereby repealed.

SECTION 15. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 13th day of April, 1966.

(R1002, S25)

No. 893

An Act To Amend Section 23-601 Of The 1962 Code, Relating To Compensation For Election Officials, So As To Further Provide For Their Compensation And Mileage.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 23-601 amended—compensation of election officials.—Section 23-601 of the 1962 Code is amended by striking it in its entirety and inserting in lieu thereof the following:

“Section 23-601. Commissioners of State and county general elections shall receive as expenses two hundred dollars per year, payable quarterly. Managers and clerks of general elections shall receive a per diem of ten dollars per day not to exceed three days for any election. Each commissioner, manager or clerk shall be entitled to mileage as is provided by law for State employees.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 22nd day of April, 1966.

(R1003, S93)

No. 894

An Act To Amend Article 7, Chapter 7, Title 46, Code Of Laws Of South Carolina, 1962, Relating To Speed Restrictions Of Motor Vehicles On Highways, So As To Further Provide Therefor.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Article 7, Chapter 7 of Title 46 amended—speed restrictions for motor vehicles.—Article 7, Chapter 7, Title 46, Code of Laws of South Carolina, 1962, is amended to read as follows :

“Section 46-361. (a) No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In every event speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.

(b) Except when a special hazard exists that requires lower speed for compliance with paragraph (a) of this section, the limits specified in this section or established as hereinafter authorized shall be maximum lawful speeds, and no person shall drive a vehicle on a highway at a speed in excess of such maximum limits.

1. Thirty miles per hour in any urban district.

2. Seventy miles per hour on sections of the interstate system and other controlled access highways where official signs giving notice thereof are erected by the State Highway Department, but the nighttime speed on such sections shall not exceed sixty-five miles per hour.

3. Sixty-five miles per hour on other sections of the interstate system and other controlled access highways where official signs giving notice thereof are erected by the State Highway Department, but the nighttime speed on such sections shall not exceed sixty miles per hour.

4. Sixty miles per hour on other sections of State highway primary routes where official signs giving notice thereof are erected by the State Highway Department, but the nighttime speed on such sections shall not exceed fifty-five miles per hour.

5. Fifty-five miles per hour in other locations or on other sections.

Daytime means from a half hour before sunrise to a half hour after sunset. Nighttime means at any other hour.

Urban district means the territory contiguous to and including any street which is built up with structures devoted to business, industry or dwelling houses situated at intervals of less than one hundred feet for a distance of a quarter of a mile or more.

The maximum speed limits set forth in this section may be altered as authorized in Sections 46-362 and 46-363.

(c) The driver of every vehicle shall, consistent with the requirements of paragraph (a), drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, approaching a hill crest, when traveling upon any narrow bridge, narrow or winding roadway, and when special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions.

"Section 46-362. (a) Whenever the State Highway Department shall determine upon the basis of an engineering and traffic investigation that any maximum speed hereinbefore set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of the State highway system, the department may determine and declare a reasonable and safe maximum limit thereat, which shall be effective when appropriate signs giving notice thereof are erected. Such maximum speed limit may be declared to be effective at all times or at such times as are indicated upon such signs; and differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective when posted upon appropriate fixed or variable signs.

(b) The State Highway Department shall determine the proper maximum speed for all State primary highway extensions into and through urban districts and shall declare a reasonable and safe maximum speed limit thereon which may be greater or less than the maximum speed otherwise permitted under this act for an urban district and such maximum speed limits shall be effective at all times during hours of darkness and at other times as may be determined when appropriate official signs giving notice thereof are erected upon such street or highway.

"Section 46-363. (a) Whenever local authorities in their respective jurisdictions determine on the basis of an engineering and traffic investigation that the maximum speed permitted under this article is greater or less than is reasonable and safe under the conditions found to exist upon a highway or part of a highway, the local author-

ity may determine and declare a reasonable and safe maximum limit thereon which

1. Decreases the limit at intersections; or
2. Increases the limit within an urban district but not to more than sixty miles per hour during daytime or fifty-five miles per hour during nighttime; or
3. Decreases the limit outside an urban district, but not to less than thirty-five miles per hour.

(b) Local authorities in their respective jurisdictions shall determine by an engineering and traffic investigation the proper maximum speed for all arterial streets and shall declare a reasonable and safe maximum limit thereon which may be greater or less than the maximum speed permitted under this act for an urban district.

(c) Any altered limit established as hereinabove authorized shall be effective at all times or during hours of darkness or at other times as may be determined when appropriate signs giving notice thereof are erected upon such street or highway.

(d) Any alteration of maximum limits on State highways or extensions thereof in a municipality by local authorities shall not be effective until such alteration has been approved by the State Highway Department.

(e) Not more than six such alterations as authorized above shall be made per mile along a street or highway, except in the case of reduced limits at intersections, and the difference between adjacent limits shall not be more than ten miles per hour.

“Section 46-364. No person shall operate any motor-driven cycle at any time mentioned in Section 46-521 at a speed greater than thirty-five miles per hour unless such motor-driven cycle is equipped with head lamps which are adequate to reveal a person or vehicle at a distance of three hundred feet ahead.

“Section 46-365. (a) No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law.

(b) Whenever the State Highway Department or local authorities within their respective jurisdictions determine on the basis of an engineering and traffic investigation that slow speeds on any part of a highway consistently impede the normal and reasonable movement of traffic, the department or local authority may determine and declare a minimum speed limit below which no person shall

drive a vehicle except when necessary for safe operation or in compliance with law, when appropriate signs giving notice thereof are erected along the part of the highway for which a minimum speed limit is established. Also any minimum speed limit adopted by a municipality for a section of the State highway within the municipality shall not be effective until such minimum speed has been approved by the State Highway Department.

“Section 46-366. (a) No person shall drive a vehicle which is towing a house trailer at a speed greater than a maximum of forty-five miles per hour.

(b) No person shall drive any vehicle equipped with solid rubber or cushion tires at a speed greater than a maximum of ten miles per hour.

(c) No person shall drive a vehicle over any bridge or other elevated structure constituting a part of a highway at a speed which is greater than the maximum speed which can be maintained with safety to such bridge or structure, when such structure is signposted as provided in this section.

(d) The State Highway Department upon request from any local authority shall, or upon its own initiative may, conduct an investigation of any bridge or other elevated structure constituting a part of a highway, and if it finds that such structure cannot with safety to itself withstand vehicles traveling at the speed otherwise permissible under this chapter, the department shall determine and declare the maximum speed of vehicles which such structure can safely withstand, and shall cause or permit suitable signs stating such maximum speed to be erected and maintained before each end of such structure.

(e) Upon the trial of any person charged with a violation of this section, proof of determination of the maximum speed by the department and the existence of such signs shall constitute conclusive evidence of the maximum speed which can be maintained with safety to such bridge or structure.

“Section 46-367. In every charge of violation of any speed regulation in this article, the complaint and summons or notice to appear shall specify the speed at which the defendant is alleged to have driven and the maximum speed applicable within the district or at the location.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 22nd day of April, 1966.

(R1004, S574)

No. 895

An Act To Amend Section 28-581, Code Of Laws Of South Carolina, 1962, Prohibiting The Possession Of Certain Trout During Closed Seasons, So As To Make Futher Provisions Therefor And To Repeal Section 28-580, Code Of Laws Of South Carolina, 1962, As It Relates To Game Zone 1 Only, Establishing A Fixed Closed Season On Trout.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 28-581 amended—unlawful to possess trout during closed season.—Section 28-581 of the 1962 Code is amended to read as follows :

“Section 28-581. It shall be unlawful for any person during a closed season declared pursuant to Section 28-577 to have in his possession any trout taken from the fresh waters of this State.”

SECTION 2. Section 28-580 repealed.—Section 28-580 of the 1962 Code is repealed.

SECTION 3. Repeal applicable to Game Zone 1 only.—The repeal of Section 28-580 of the Code of 1962, as provided in Section 2 of this act shall only apply to Game Zone 1.

SECTION 4. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 22nd day of April, 1966.

(R1005, S512)

No. 896

An Act To Amend The Code Of Laws Of South Carolina, 1962, By Adding Section 19-223, So As To Provide That All Provisions Of A Will Affecting A Surviving Divorced Spouse Made Prior To The Divorce Shall Be Null And Void.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 19-223 added—wills affecting certain divorced spouses to be null and void.—Section 19-223 is added to the Code of Laws of South Carolina, 1962, to read as follows :

“Section 19-223. Any will offered for and admitted to probate, subsequent to the effective date of this act, made by husband or wife who have been divorced, *a vinculo matrimonii*, from each other subsequent to the date of the will shall be made null and void by means of the divorce insofar as the will affects the surviving divorced spouse as beneficiary, trustee, executor or any other capacity, unless the will shall have been made in contemplation of such divorce expressed on its face.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 22nd day of April, 1966.

(R1006, S620)

No. 897

An Act To Limit The Number Of Catfish That Any Person May Have In His Possession At Any One Time In Game Zone 8, And To Provide Penalties For Violations.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Unlawful to possess more than twenty-five catfish in Game Zone 8.—It shall be unlawful for any person to have in his possession in Game Zone 8 at any one time more than twenty-five catfish.

SECTION 2. Penalties.—Any person convicted of violating the provisions of this act shall be fined not more than one hundred dollars or imprisoned for not more than thirty days, or both, in the discretion of the court.

SECTION 3. Not applicable to Clarendon County.—The provisions of this act shall not apply to Clarendon County.

SECTION 4. Not applicable to Sumter County.—The provisions of this act shall not apply to Sumter County.

SECTION 5. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 22nd day of April, 1966.

(R1008, S645)

No. 898

An Act To Provide For A Referendum As To The Creation Of The Pacolet Station Fire District In Spartanburg County And To Provide For Its Creation In The Event Of A Favorable Vote; To Provide For A Board Of Fire Control For The District; To Prescribe The Powers, Duties And Membership Of The Board; To Provide For Tax Levies; And To Provide Penalties.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Referendum concerning establishment of Pacolet Station Fire District.—The Spartanburg County Commissioners of Election shall conduct a referendum on the second Tuesday in June, 1966, to ascertain the wishes of the qualified electors residing within the proposed Pacolet Station Fire District on the question of whether or not they favor the establishment of a rural fire district and favor the necessary tax levy.

The commissioners of election shall publish the information relating to the referendum once a week for two consecutive weeks in a newspaper having general circulation in the area.

SECTION 2. Conduct of election.—The commissioners of election shall have printed a sufficient number of ballots and have them distributed at the voting places. The ballots shall read as follows: "Do you favor establishing and operating a rural fire department in the Pacolet Station Fire District area and the necessary tax levy?"

In favor of ☐

Opposed to ☐

Those voting in favor of the question shall deposit a ballot with a check or cross mark in the square after the words 'In favor of', and those voting against the question shall deposit a ballot with a check or cross mark in the square after the words 'Opposed to'."

Only those persons otherwise qualified and owning taxable property within the area shall be entitled to vote. The officials responsible

for canvassing the results of the election shall, within ten days, certify such results to the clerk of court of the county and to the Secretary of State.

SECTION 3. District established if referendum favorable—area.

—If a majority of those voting in the election vote in favor of the creation of the fire district, there is hereby established the Pacolet Station Fire District in Spartanburg County. The district shall include the following described area, excluding therefrom any property owned by Milliken Tetra-Pak Corporation or Roger S. Milliken and which is furnished fire protection by Pacolet Mills Fire District:

Beginning at the intersection of State Highway No. 30 and State Highway No. 9 at the boundary of Croft Fire District and running in a southerly direction down Highway No. 30 to the southern boundary of the Glendale Fire District; thence in an easterly direction along the Glendale Fire District to Richland Creek; thence going down Richland Creek to the bridge where Richland Creek intersects with State Highway No. 108; thence in a straight line southeast to the northeastern boundary of the Town of Pacolet; thence along the eastern boundary of the Town of Pacolet to State Highway No. 572; thence down said secondary State Highway Road 572 to the boundary of Union County; thence in a southwesterly direction along the boundary of Union County to a point in the middle of the Fairforest Creek; thence up the meanders of the Fairforest Creek to the point where it intersects with School District No. 7 boundary line; thence in a northeasterly direction along the boundary of School District No. 7 for approximately one mile to Kelsey Creek; thence up Kelsey Creek in a northerly direction until Kelsey Creek intersects with the Croft Fire District; thence in a northeasterly direction along the boundary of Croft Fire District to the intersection of State Highway No. 30 and State Highway No. 9, the beginning point.

SECTION 4. Board established — members and terms —elections.

—After the creation of the Pacolet Station Fire District, there is established a Board of Fire Control for the district to be composed of five members who shall be appointed by the Governor upon the recommendation of a majority of the Spartanburg County Legislative Delegation. *Provided*, the original members of the board shall be J. H. Wyatt who shall be appointed for a term of two years;

C. M. Foster and D. W. Hood, who shall be appointed for terms of four years; and Jerome Hayes and Bill Wade, who shall be appointed for terms of six years. The members of the Board shall serve without pay and shall file annually a report with the Spartanburg County Board of Control not later than the first of November of each year, showing all activities and disbursements made by the board during the year.

If at least twenty per cent of the qualified electors residing in the district petition the commissioners of election by the first of September of any general election year, the commissioners shall call an election to be held at the following general election for the purpose of electing a member to the board to succeed the member whose term will expire during such year, for a six-year term. Thereafter, members shall be elected in each succeeding general election for terms of six years.

SECTION 5. Powers and duties.—The board shall have the following duties and responsibilities:

(a) To buy such fire fighting equipment as the board deems necessary for the purpose of controlling fires within the money allocated or made available to the board for such purposes.

(b) To select the sites or places within the area where the fire fighting equipment shall be kept.

(c) To provide and select the drivers and other volunteer firemen to man such equipment who shall serve without compensation.

(d) To procure and supervise the training of the volunteer firemen selected to insure that the equipment shall be utilized for the best interest of the area.

(e) To be responsible for the upkeep, maintenance and repairs of the trucks and other fire fighting equipment and to that end shall, as often as is deemed necessary, inspect such equipment.

(f) To promulgate such rules and regulations as it may deem proper and necessary to insure that the equipment is being used to the best advantage of the area.

(g) To construct, if necessary, buildings to house the equipment authorized herein.

(h) To borrow not exceeding twenty thousand dollars on such terms and for such a period as to the fire control board may seem most beneficial for the fire district, in anticipation of taxes. The indebtedness shall be evidenced by a note or notes issued by the members of the board and the county treasurer. The full faith, credit and

taxing power of the Pacolet Station Fire District is hereby irrevocably pledged for the payment of the indebtedness.

SECTION 6. Tax levy.—The Auditor and Treasurer of Spartanburg County are hereby directed to levy and collect a tax of not more than two mills, to be determined by the Board of Fire Control, upon all the taxable property of the district for the purpose of defraying the expenses incurred by the board. All monies collected from this levy shall be credited to the fire district.

SECTION 7. Supervision of equipment.—The fire chief or equivalent official of the truck company to which the equipment is assigned shall have complete supervision over its use and operation and it shall be his responsibility to insure that the equipment is readily available for use at all times.

SECTION 8. Members to enforce fire laws.—All members of the truck company of the district may direct and control traffic at the scene of any fire in the area of the county and enforce the laws of this State relating to the following of fire apparatus, the crossing of fire hose and interfering with firemen in the discharge of their duties in connection with a fire in a like manner as provided for the enforcement of such laws by peace officers.

SECTION 9. Unlawful acts—penalties.—It is unlawful to interfere with a member of a fire department in the discharge of his duties in the district or to interfere with any fire apparatus used by the fire department in the district, and any person so offending shall be subject to a fine of not exceeding one hundred dollars or imprisonment not exceeding thirty days.

SECTION 10. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 22nd day of April, 1966.

An Act To Amend Sections 15-1651.13, 15-1651.14 And 15-1651.16, Code Of Laws Of South Carolina, 1962, Relating To Juries In The Civil And Domestic Relations Court Of Laurens, So As To Provide That The Same Jury Box Used In The Circuit Court

Shall Be Used In The Civil And Domestic Relations Court Of Laurens And That Service On A Jury In The Circuit Court Or The Civil And Domestic Relations Court Of Laurens Shall Exempt Jurors From Service In The Other Court.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 15-1651.13 amended—jury commissioners.—Section 15-1651.13 of the 1962 Code is amended by changing the comma on line four to a period and striking the remainder of the section. The section when amended shall read as follows:

“Section 15-1651.13. The board of jury commissioners as constituted by law in the county for the circuit court shall constitute the board of jury commissioners for the court established in this chapter.”

SECTION 2. Section 15-1651.14 amended—jury box.—Section 15-1651.14 of the 1962 Code is amended by striking it out, so as to delete the requirement for a separate jury box for the civil and domestic relations court of Laurens, and inserting the following:

“Section 15-1651.14. The jury box for the Circuit Court of Laurens County shall be used by the Civil and Domestic Relations Court of Laurens.”

SECTION 3. Section 15-1651.16 amended—service of jurors.—Section 15-1651.16 of the 1962 Code is amended by striking on line four “not be held to”; by striking on line five “nor shall” and inserting “and”; and by striking “be held to” on line six and inserting “shall”. The section when amended shall read as follows:

“Section 15-1651.16. Jurors drawn and summoned shall appear and attend upon the sessions of the court for which they are summoned until discharged by the judge thereof. Service as a juror in the court shall exempt a juror from service as such in the circuit court in the same year, and service as a juror in the circuit court shall exempt a juror from service as such in the court in the same year. A juror shall not be required to serve in such court for a full week more than once in the same year, except that when the business of the court is not completed during the week for which jurors are drawn such jurors may be held for service at a later term.”

SECTION 4. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 22nd day of April, 1966.

(R1011, S694)

No. 900**An Act To Create The Oconee County Planning Commission And To Provide For Its Membership, Powers And Duties.**

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Oconee County Planning Commission created.—

There is hereby created the Oconee County Planning Commission, hereinafter referred to in this act as “the commission”. The Oconee County Planning Area, hereinafter referred to as “the planning area”, shall comprise all of Oconee County, including both incorporated and unincorporated areas.

The commission shall study total development within the territorial limits of Oconee County and prepare plans which will promote the orderly and economical development of the county, submit these plans to appropriate Federal, State, county and municipal officials or agencies having jurisdiction in the county, and encourage the execution of these plans.

SECTION 2. Purpose.—It is the purpose and intent of this act that the commission shall offer assistance in the development and coordination of the plans and programs of local agencies, study development trends and planning problems where there is a need for action on a county-wide basis, and work with other governmental bodies within the county so as to arrive at solutions and suggest courses of action which serve the best interests of the planning area.

All action of the commission shall be designed to guide and accomplish a coordinated and harmonious development of the planning area on a continuous basis in accordance with present and future needs in an efficient and economical manner which will best promote the public health, education, safety, morals, order, convenience and prosperity.

SECTION 3. Members — officers — meetings — budget — powers.—The commission shall be composed of seven members to be appointed by the county legislative delegation, including the Senator; the members shall serve without compensation, but may be reimbursed for necessary expenses incurred in the performance of their duties. Members shall be appointed for terms of four years except, of the initially appointed members, three shall be appointed for terms of two years each and four for terms of four years each. All terms shall expire on December thirty-first of the final year of

the terms. Vacancies in an unexpired term shall be filled in the manner of original appointment for the unexpired portion of the term only. The appointing body may remove a member for inefficiency, neglect of duty or malfeasance in office.

The commission shall elect from among its members a chairman and such other officers as it may choose for such terms as it may prescribe. The commission shall adopt such rules and regulations not inconsistent herewith as it may deem necessary for the proper discharge of its duties. The chairman may appoint such committees as the work of the commission may require.

The commission shall meet at times, dates and places as it determines, and shall keep a record of its recommendations, transactions, findings and determinations. The commission shall submit reports of its activities to the county legislative delegation in the manner and frequency which the delegation shall prescribe.

No later than March first of each year the commission shall submit to the county legislative delegation a proposed budget for the next fiscal year. The commission shall receive such county funds as may be provided by law.

The commission shall have the power, within the funds appropriated or otherwise made available to it, to:

(1) Appoint such employees and set their pay as it may deem necessary for the execution of its duties, and provide quarters and facilities for them;

(2) Contract for special or technical services;

(3) Contract with Oconee County, municipal or public bodies within the planning area, the State of South Carolina, the Federal Government, or any agency or department of these organizations, for such services or grants as may be available from such agencies and carry out the provisions of such contracts.

The commission is authorized to concur in any contracts or enter into them as comakers. The commission may accept and disburse in the performance of its functions any funds, grants and services made available by the Federal Government, the State Government, municipal governments within the planning area, or any private or civic source.

SECTION 4. Powers further.—The commission shall have authority to:

(1) Prepare and from time to time revise, amend and add to a continuing plan for the development of the planning area;

(2) Cooperate with and provide planning assistance to municipalities and other local governmental instrumentalities in the county; whenever cooperation and assistance include the rendering of technical or administrative services, such services may be rendered free or in accordance with an agreement for reimbursement;

(3) Provide cooperation and assistance to existing and prospective businesses and industries, utilities, transportation and communication companies, and public and private organizations as a means of stimulating the orderly development of the human and natural resources of the planning area;

(4) Provide information to officials of departments, agencies, and instrumentalities of State and local government, and to the public at large, in order to foster public awareness and understanding of the objectives of the commission's plans and activities and to stimulate public interest and participation in the development of the planning area;

(5) Hold public and private hearings and sponsor public meetings in any part of the county whenever it deems such hearings or meetings necessary or useful in the execution of its functions;

(6) Appoint advisory committees from among citizens of the planning area to study or advise on any problems submitted by the commission.

SECTION 5. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 22nd day of April, 1966.

(R1013, S547)

No. 901

An Act To Amend Section 46-43, Code Of Laws Of South Carolina, 1962, Providing For A Highway Safety Fee, So As To Increase The Fee To Two Dollars, To Provide For The Disbursement Of The Additional Revenue Resulting Therefrom, And To Amend Section 46-72, Code Of Laws Of South Carolina, 1962, Specifying Information To Be Shown On Motor Vehicle License Plates, So As To Provide That Plates Issued Subsequent To The 1967 License Year Shall Be Reflectorized.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 46-43 amended — highway safety fee.—

Section 46-43, Code of Laws of South Carolina, 1962, is amended by striking the words "one dollar" on the last line and inserting in lieu thereof the words "two dollars" so that, when so amended, the section shall read:

"Section 46-43. In addition to the annual registration and license fees specified in this article the owner of every motor vehicle, trailer, semi-trailer, pole trailer and special mobile equipment vehicle shall pay to the Department, along with every registration and license issued, an additional highway safety fee of two dollars."

SECTION 2. Use of additional funds.—The additional funds realized by the increase provided in Section 1 shall be expended to provide the reflectorized plates required by Section 3 of this act and for the employment of additional state highway patrolmen.

SECTION 3. Section 46-72 amended—license plates—description—to be reflectorized.—Section 46-72 of the 1962 Code is amended by adding at the end thereof the following: "All vehicle license plates issued for license years, subsequent to license year 1967 shall be treated with a reflective material which shall provide effective and dependable reflective brightness during the service period required of the license plate. The Department, through its engineering and safety facilities, shall determine the design and reflecting substances to be used." When so amended, the section shall read:

"Section 46-72. Every license plate shall have displayed upon it the license or registration number assigned to the vehicle for which it is issued, the name or an abbreviation of the name of this State and the year number for which it is issued or the date of expiration thereof. The license plate shall have the required letters and numerals thereon, except the year designation, in sufficient size to be plainly legible from a distance of one hundred feet during daylight hours. All vehicle license plates issued for license years subsequent to license year 1967 shall be treated with a reflective material which shall provide effective and dependable reflective brightness during the service period required of the license plate. The Department, through its engineering and safety facilities, shall determine the design and reflecting substances to be used."

SECTION 4. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 22nd day of April, 1966.

(R1014, S609)

No. 902

An Act To Amend Item (1) Of Section 32-911, Code Of Laws Of South Carolina, 1962, Relating To The Definition Of A "Mentally Ill Person", So As To Further Provide Therefor.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Item (1) of Section 32-911 amended—mentally ill person defined.—Item (1) of Section 32-911 of the 1962 Code is amended by striking it out and inserting in lieu thereof the following:

"(1) 'Mentally ill person' means a person afflicted with a mental disease, alcoholism and drug addiction as such being excluded, to such an extent that, for his own welfare or the welfare of others or of the community, he requires care, treatment, hospitalization or training;"

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 22nd day of April, 1966.

(R1015, S610)

No. 903

An Act To Amend Section 32-951, Code Of Laws Of South Carolina, 1962, Relating To Voluntary Admission Of Mentally Ill To Hospitals, So As To Include Persons Eighteen Years Of Age And Married.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Item (1) of Section 32-951 amended—voluntary admission of mentally ill to hospitals.—Item (1) of Section 32-951 of the 1962 Code is amended on line two by inserting between "over", and "applies" the following: "or eighteen years of age or over and married,". The section when amended shall read as follows:

"Section 32-951. The superintendent of a private hospital may, and, subject to the availability of suitable accommodations and if in the judgment of the superintendent the person is a proper subject for voluntary admission, the superintendent of a State hospital shall admit for observation, diagnosis, care and treatment any individual who is:

(1) Mentally ill or has symptoms of mental illness and who, being twenty-one years of age or over, or eighteen years of age or over and married, applies therefor; or

(2) Mentally ill or has symptoms of mental illness and is under twenty-one years of age, if his parent or legal guardian applies therefor in his behalf."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 22nd day of April, 1966.

(R1016, S666)

No. 904

An Act To Create The Florence County Planning Commission.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Florence County Planning Commission created.

—There is hereby created the Florence County Planning Commission which shall consist of nine members, to be appointed by the Governor upon the recommendation of a majority of the county legislative delegation for terms of four years and until their successors are appointed and qualify, except that four of the original appointees shall serve for two years only. The length of the terms of each member shall be decided by lot. Vacancies shall be filled for the unexpired portion of the terms in the same manner as the original appointments.

SECTION 2. Officers — director — compensation.—The commission shall elect from its membership such officers as it deems necessary and may, in its discretion, employ a director whose salary, if any, shall be fixed in the annual county appropriations act. The commission shall elect from its membership a treasurer who shall be bonded at least to the extent of any funds handled. The members of the commission shall serve without compensation, but shall be allowed such per diem and mileage as provided by law for boards, commissions and committees.

SECTION 3. Powers and duties.—The commission shall have the following powers and duties:

(a) To promote public interest in and understanding of the economic and social necessity for long-term coordinated planning;

(b) To confer and cooperate with the Federal, State, municipal and other county and regional authorities regarding matters pertaining to, or affecting, the planning or development of Florence County;

(c) To plan, prepare and keep up to date a program of public works and budgets therefor, including but not limited to water and waste or sewage disposal programs, particularly in rural areas, and to that end the various officials, departments and agencies of the county shall cooperate with the commission;

(d) To prepare, either through its own officers and agents or by contract with firms or individuals, a comprehensive plan for Florence County, which will encompass water and sewer facilities, recreational facilities, private developments for residential, agricultural, commercial and industrial uses, and which will promote the general health and welfare of the county, encourage the distribution of population, and set forth classification of land uses as will tend to facilitate adequate provisions for a water supply and sanitation, and to include in such plan a detailed layout of existing water and sewer systems and the future pattern of proposed water and sewer systems;

(e) To enter upon any land and make necessary examinations and surveys. The right to enter shall include its members, officers and employees;

(f) In general, to have such powers as may be appropriate to enable it to fulfill its functions and duties, to promote planning, and to carry out the purpose of this act.

SECTION 4. Not applicable to certain municipalities.—The provisions of this act shall not apply to any municipality in the county which has a planning commission, unless the governing body of such municipality shall elect to come under the provisions of this act.

SECTION 5. Gifts and grants.—The commission may accept gifts and grants of money either from private or public sources to be used in the promotion of its program.

SECTION 6. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 22nd day of April, 1966.

(R1017, H1127)

No. 905

An Act Providing For Free Hunting And Fishing Licenses For Certain Totally And Permanently Disabled Persons.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Free hunting and fishing licenses for disabled persons.—Any person who has been a resident of this State for at least three years and who can produce a certificate from a recognized agency of the State or Federal Government that he is totally and permanently disabled may secure, without cost, a license to hunt and fish in this State.

Presentation of evidence of his residency and of his disability to any game warden shall be sufficient for such person to obtain the license.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 22nd day of April, 1966.

(R1019, H2283)

No. 906

An Act To Increase The Terms Of The Mayor And Councilmen Of The Town Of Manning In Clarendon County.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Terms of mayor and councilmen for Town of Manning.—Notwithstanding any other provision of law, the mayor and councilmen of the Town of Manning in Clarendon County shall be elected for terms of four years and until their successors are elected and qualify, commencing with the election to be held in 1966.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 22nd day of April, 1966.

(R1020, H2363)

No. 907

An Act To Amend Chapter 2, Title 22, Code Of Laws Of South Carolina, 1962, Which Relates To The Issuance Of State Institution Bonds Of The State Of South Carolina, By Further Defining The Institutions Referred To In The Chapter By Re-Defining The Term "Tuition Fees," By Revising The Requirements Of The Applications For Bonds, By Revising The Basis For Calculating The Coverage Test Prescribed For Such Bonds, By Increasing The Limit On Outstanding Bonds, And By Extending The Maturity Date On Which Such Bonds May Mature.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. State Institution bonds—procedures for issuance to be changed.—The General Assembly has determined to change certain procedures relating to the issuance of State Institution bonds which are now authorized to be issued under the terms and conditions of Chapter 2, Title 22, Volume 6, Code of Laws of South Carolina, 1962, as amended. The chapter includes Sections 22-21 to 22-39, inclusive. To accomplish its purposes it is necessary that certain sections and paragraphs contained in the chapter be rewritten.

SECTION 2. Section 22-21 amended.—Section 22-21 of the 1962 Code is amended by adding after the words "The University of South Carolina," the words "in Columbia", and by striking out the words "The Clemson Agricultural College of South Carolina" and inserting in lieu thereof "Clemson University in Clemson", so that the section as so amended shall read as follows:

"Section 22-21. *Institutions applicable; 'State institution defined.'*—The several State-supported institutions of higher learning, within the contemplation of this chapter, are declared to be:

The University of South Carolina, in Columbia,
Clemson University in Clemson,
The Citadel,
The Medical College of South Carolina,
Winthrop College, and
South Carolina State College.

Hereafter in this chapter such institutions shall be denoted by the term 'State institution'."

SECTION 3. Section 22-22 amended.—Section 22-22 of the 1962 Code is amended by striking from the first sentence the words "by

each individual attending any of such State institutions', so that the section when amended shall read as follows:

"Section 22-22. *Tuition fees required at State institutions; 'State Board' defined.*—Tuition fees (as such term is defined in Section 22-23) shall be required to be paid in such amount or amounts and under such conditions as the respective boards of trustees of such State institutions shall prescribe, with the approval of the State Budget and Control Board, hereafter in this chapter referred to as the 'State Board'. The provisions of this section shall not be construed as requiring uniformity of tuition fees at such State institutions nor shall they preclude a higher scale for nonresidents of South Carolina."

SECTION 4. Section 22-23 amended.—Section 22-23 of the 1962 Code is amended by striking the last sentence and inserting in lieu thereof the following:

"For all purposes of this chapter the term 'tuition fees' shall include those fees charged by any State institution for tuition, matriculation and registration. The term 'tuition fees' shall not include sums charged for enrolling in courses or classes offered at any summer school term or in any special seminar, nor shall the term relate to or include fees levied or charged for purposes other than for the purposes of this chapter." When so amended the section shall read as follows:

"Section 22-23. *Remittance and application of tuition fees.*—All tuition fees received by any State institution shall be remitted from time to time to the State Treasurer under such regulations as he shall prescribe. The State Treasurer shall apply the same as directed by this chapter. For all purposes of this chapter the term 'tuition fees' shall include those fees charged by any State institution for tuition, matriculation and registration. The term 'tuition fees' shall not include sums charged for enrolling in courses or classes offered at any summer school term or in any special seminar, nor shall the term relate to or include fees levied or charged for purposes other than for the purposes of this chapter."

SECTION 5. Paragraph (3) of Section 22-24 amended—statement of total amount of tuition fees.—Section 22-24 of the 1962, Code, as amended, is further amended by striking therefrom paragraph (3) and inserting in lieu thereof the following which shall become paragraph number (3):

“(3) A statement establishing the aggregate sum received from tuition fees for the twelve calendar months preceding the month in which such application is dated.”

SECTION 6. Paragraph (3) of Section 22-25 amended—requirements for approval of application.—Section 22-25 of the 1962 Code is amended by striking therefrom paragraph (3) and inserting in lieu thereof the following which shall become paragraph number (3):

“(3) That the aggregate of tuition fees received by such State institution for the twelve calendar months preceding the month in which the application made pursuant to Section 22-24 is dated will, if multiplied by the number of years for which the bonds provided for by this chapter shall be outstanding, result in the production of a sum equal to not less than one hundred fifty per cent of the estimated aggregate principal and interest requirements of all State institution bonds issued for such State institution to be outstanding if such application be approved; *provided*, that in determining the one hundred and fifty per cent coverage hereby required, an appropriate credit shall be given for the then actual cash value of funds held by the State Treasurer pursuant to Section 22-38, which shall be accomplished by deducting the then amount of the cash value of the funds from the estimated aggregate principal and interest requirements of all State institution bonds issued for such State institution to be outstanding if the application be approved, and to the remainder thus calculated the coverage test shall be applied; and”

SECTION 7. Paragraph (8) of Section 22-26 amended—contents of request.—Section 22-26 of the 1962 Code is amended by striking paragraph (8) and inserting in lieu thereof the following which shall become paragraph number (8):

“(8) The sum received by such State institution from tuition fees for the twelve calendar months preceding the month in which the application made pursuant to Section 22-24 is dated.”

SECTION 8. Section 22-27 amended.—Section 22-27 of the 1962 Code is amended by striking from the first sentence the words “upon the basis of the number of regularly enrolled students at such State institution at the close of the last preceding academic semester or term, exclusive, of any summer school semester or term” and inserting in lieu thereof the words “upon the basis of the sum received by such State institution from tuition fees for the twelve calendar months

preceding the month in which the application made pursuant to Section 22-24 is dated". When so amended the section shall read as follows:

"Section 22-27. *Governor and State Treasurer may authorize issuance of bonds.*—It shall be the duty of the Governor and the State Treasurer to examine the request mentioned in Section 22-26, and if they shall jointly approve it, and, for themselves, determine that the schedule of tuition fees in force at such State institution will, upon the basis of the sum received by such State institution from tuition fees for the twelve calendar months preceding the month in which the application made pursuant to Section 22-24 is dated, produce funds sufficient to meet the principal and interest requirements on the proposed bonds and on all outstanding State institution bonds issued for such State institution, and provide the margin for such principal and interest requirements to the extent required by paragraph (3) of Section 22-25, they shall be empowered to provide for the issuance of State institution bonds in the amount approved by the State Board."

SECTION 9. Section 22-29 amended.—Section 22-29 of the 1962 Code is amended by striking out the words "twenty-five million dollars" and inserting in lieu thereof "thirty-five million dollars" so that the section when so amended shall read as follows:

"Section 22-29. *Maximum amount of outstanding bonds.*—Other provisions of this chapter to the contrary notwithstanding, there shall not be outstanding at any given time State institution bonds for all institutions in excess of thirty-five million dollars."

SECTION 10. Section 22-32 amended.—Section 22-32 of the 1962 Code is amended by striking therefrom the third sentence and inserting in lieu thereof the following: "Each issue of State institution bonds shall mature in annual series or installments, the last of which shall mature not more than twenty years after the date of the bonds, but no bonds shall be issued under the authority of this chapter to mature after the year 1995." When so amended the section shall read as follows:

"Section 22-32. *Denominations; interest rate; maturity and redemption.*—The State institution bonds shall be in the denomination of one thousand dollars or in any multiple thereof. They shall bear interest, payable semi-annually, at a rate or rates not exceeding the maximum interest rate specified in the State Board's request for the issuance of the State institution bonds. Each issue of State insti-

tution bonds shall mature in annual series or installments, the last of which shall mature not more than twenty years after the date of the bonds, but no bonds shall be issued under the authority of this chapter to mature after the year 1995. The installments or series may be equal or unequal in amount. The State institution bonds may, in the discretion of the State Board, be made subject to redemption at par and accrued interest, plus such redemption premium as it shall approve, and on such occasions as may be specified in the request for the issuance of the State institution bonds. State institution bonds shall not be redeemable before maturity unless they contain a statement to that effect."

SECTION 11. Section 22-38 amended.—Section 22-38 of the 1962 Code is amended so as to clarify the authorization to issue State institution bonds if tuition fees meet principal and interest requirements and to specify that it is not intended that the limitation imposed by Section 22-29 shall preclude the revision thereof by subsequent legislative enactment, and to provide that there shall be no preference or priority between the holders of bonds as to the proceeds of the tuition fee fund of any State institution, and that all outstanding bonds issued for such State institution shall be equally and ratably secured, and to delete from the section paragraph three which requires tuition fees to become a part of the general fund of the State. The section when so amended shall read as follows:

"Section 22-38. *Clarifying the authorization to issue State institution bonds if tuition fees meet principal and interest requirements.*—Immediately following the determination of the Governor and the State Treasurer to provide for the issuance of State institution bonds, the Treasurer shall segregate into a special fund all tuition fees of the State institution for which State institution bonds are to be issued, and the State Treasurer shall apply such special fund to the payment of the principal, interest and redemption premium, if any, on all bonds issued pursuant to this chapter for such State institution, and for no other purpose. The State Treasurer may, in his discretion, invest any part of such special fund in direct obligations of the United States or of this State. Whenever the aggregate of the cash and the then market value of the securities in such special fund shall equal the aggregate principal and interest requirements on all bonds issued pursuant to this chapter for such State institution then outstanding, the tuition fees of such State institution shall revert to the general fund of the State.

It is not intended that the provisions of this section shall preclude there being issued and outstanding more than one issue of State institution bonds whose proceeds shall be applied, in whole or in part, for any one particular State institution, if the tuition fees of such particular State institution will produce sufficient funds to meet the principal and interest requirements on the proposed issue, and all outstanding issues for such institution, made pursuant to this chapter. Nor is it intended that the limitation imposed by Section 22-29 shall preclude revision thereof by subsequent legislative enactment. It is merely intended that so long as there are outstanding bonds issued for any State institution, the tuition fees of such State institution shall be applied within the limitations of this section to the payment of the principal, interest and redemption premium if any, of all bonds issued for improvements at such State institution pursuant to this chapter, and for no other purpose. There shall be no preference or priority between the holders of bonds as to the proceeds of the tuition fee fund of any State institution and all outstanding bonds issued for such State institution shall be equally and ratably secured."

SECTION 12. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 22nd day of April, 1966.

(R1021, H1535)

No. 908

An Act To Amend Act No. 763 Of 1964, Relating To Articles For Which Search Warrants May Be Issued, So As To Include Property Which Is Being Used Or Has Been Used In The Commission Of A Crime.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 1 of Act 763 of 1964 amended—issuance of search warrants for certain articles.—Section 1 of Act No. 763 of 1964 is amended by adding after the first paragraph the following: "Any property which is being used or has been used in the commission of a criminal offense." The section when amended shall read as follows :

“Section 1. Any magistrate, recorder or city judge having the powers of a magistrate, and any judge of any court of record of the State having jurisdiction over the area wherein the property sought is located, may issue a search warrant to search for and seize:

Any property which is being used or has been used in the commission of a criminal offense.

Any narcotic drugs, barbiturates, amphetamines or other drugs restricted to sale, possession, or use on prescription only, which are manufactured, possessed, controlled, sold, prescribed, administered, dispensed or compounded in violation of any of the laws of this State or of the United States. Any narcotics, barbiturates or other drugs seized hereunder shall be disposed of as provided by Section 32-1492, of the 1962 Code of Laws.

A warrant issued hereunder shall be issued only upon affidavit sworn to before the magistrate, municipal judicial officer, or judge of a court of record establishing the grounds for issuing the warrant. If the magistrate, municipal judge or other judicial officer above mentioned is satisfied that the grounds for the application exist or that there is probable cause to believe that they exist, he shall issue a warrant identifying the property and naming or describing the person or place to be searched. In the case of a warrant issued by a magistrate or a judge of a court of record, it shall be directed to any peace officer having jurisdiction in the county where issued, including members of the South Carolina Law Enforcement Division, and shall be returnable to the issuing magistrate. In case of warrant issued by a judge of a court of record, it shall be returnable to the magistrate having jurisdiction of the area where the property is located or the person to be searched is found. If any warrant is issued by any municipal judicial officer to municipal police officers, the return shall be made to the issuing municipal judicial officer. Any warrant issued shall command the officer to whom it is directed to forthwith search the person or place named for the property specified. The warrant shall direct that it be served in the daytime.

Any warrant issued hereunder shall be executed and return made only within ten days after it is dated. The officer executing the warrant shall make and deliver a signed inventory of any articles seized by virtue of the warrant, which shall be delivered to the judicial officer to whom the return is to be made, and if a copy

of the inventory is demanded by the person from whose person or premises the property is taken, a copy of the inventory shall be delivered to him.

This act is not intended to and does not modify any act or law inconsistent with it, regulating search, seizure, and the issuance and execution of search warrants in circumstances for which special provision is made."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 22nd day of April, 1966.

(R1022, H2119)

No. 909

An Act To Amend Section 56-1002, Code Of Laws Of South Carolina, 1962, Relating To Examinations For Registered And Practical Nurses, So As To Provide That A Nurse Or Practical Nurse Registered Or Licensed Prior To July 1, 1936, May Be Permitted To Receive A Certificate Without An Examination Under Certain Conditions.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 56-1002 amended—applicants must pass examinations—exceptions.—Section 56-1002 of the 1962 Code is amended by adding at the end thereof the following: "*Provided*, that any person licensed as a registered nurse or as a practical nurse prior to July 1, 1936, may be permitted to register and receive a certificate without an examination, upon application duly made and accompanied by a certificate or registration previously granted and payment of the applicable fee and satisfactory completion of a six weeks refresher course in nursing approved by the Board." The section when amended shall read as follows:

"Section 56-1002. Each applicant must pass the examinations conducted by the Board, which may be written, oral, by practical demonstration or by a combination of any or all of these methods, in such subjects as may be determined by it. *Provided*, that any person licensed as a registered nurse or as a practical nurse prior to July 1, 1936, may be permitted to register and receive a certificate without an examination, upon application duly made and accompanied

by a certificate or registration previously granted and payment of the applicable fee and satisfactory completion of a six weeks refresher course in nursing approved by the Board.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 22nd day of April, 1966.

(R1024, H2284)

No. 910

An Act Adopting An Official Pledge To The Flag Of South Carolina.

Whereas, in 1950 Mrs. John Raymond Carson of Chester wrote for the South Carolina Division of the United Daughters of the Confederacy a pledge to the flag of South Carolina; and

Whereas, it has been accepted and used throughout the State but has never been officially adopted as our State pledge; and

Whereas, the members of the Wade Hampton Chapter of the United Daughters of the Confederacy have requested that this pledge be made the official State pledge. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Pledge to the flag of South Carolina.—The pledge to the flag of South Carolina shall be as follows :

“I salute the flag of South Carolina and pledge to the Palmetto State love, loyalty and faith.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 22nd day of April, 1966.

(R1028, H2460)

No. 911

An Act To Change The Name Of The Newberry County Water Authority To The Newberry County Water And Sewer Authority And To Amend Section 7 Of Act No. 119 Of 1963, Relating To The Powers Of The Newberry County Water Authority, So As To Provide Additional Powers Concerning Sewage Facilities.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Name changed.—The name of the Newberry County Water Authority, created by Act No. 119 of 1963, is hereby changed to the Newberry County Water and Sewer Authority.

SECTION 2. Section 7 of Act 119 of 1963 amended—item (27) added—additional power.—Section 7 of Act No. 119 of 1963 is amended by adding item (27) to read as follows:

“(27) To build, acquire, construct, operate and maintain such sewage facilities as shall, in the opinion of the Authority, be necessary for the district and economically practicable.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 22nd day of April, 1966.

(R1029, H2017)

No. 912

An Act To Empower The Governor Of South Carolina To Declare Christmas Eve A State Holiday And To Repeal Sections 64-152 And 64-152.2, Code Of Laws Of South Carolina, 1962, Relating To The Thursday Holiday During State Fair Week.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Christmas Eve may be declared a State Holiday.—The Governor of South Carolina is empowered to declare Christmas Eve of each year a holiday for State Government employees.

SECTION 2. Sections 64-152 and 64-152.2 repealed.—Sections 64-152 and 64-152.2 of the 1962 Code are repealed.

SECTION 3. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 22nd day of April, 1966.

(R1032, H2373)

No. 913**An Act To Change The Voting Place In West Gantt Precinct In Greenville County From The West Gantt Elementary School To The Gantt Fire Department, White Horse Road.**

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Voting place for West Gantt Precinct.—Notwithstanding the provisions of Section 23-176 of the 1962 Code, as amended, the voting place in the West Gantt Precinct in Greenville County shall be at the Gantt Fire Department, White Horse Road, instead of the West Gantt Elementary School.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 22nd day of April, 1966.

(R1035, H2158)

No. 914**An Act To Amend Act 265 Of 1965, Relating To Obscene Matter, So As To Declare Obscene Matter Contraband, Provide For Issuance Of Search Warrants, Empower Certain Municipal Officials and Judges To Issue Arrest Warrants And Increase The Penalty.**

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 1 of Act 265 of 1965 amended—definitions.—Section 1 of Act 265 of 1965 is amended by striking it in its entirety and inserting in lieu thereof the following :

“Section 1. For the purposes of this act :

(a) Obscene means that to the average person, applying contemporary standards, the predominant appeal of the matter, taken as a whole, is to prurient interest among which is a shameful or morbid interest in nudity, sex or excretion, and which goes substantially beyond customary limits of candor in description or representation of such matters. If it appears from the character of the material or the circumstances of its dissemination that the subject matter is to be distributed to minors under sixteen years of age, predominant appeal shall be judged with reference to such class of minors.

(b) Matter means any book, magazine, newspaper or other printed or written material or any picture, drawing, photograph, motion picture or other pictorial representation or any statue or other figure, or any recording, transcription or mechanical, chemical or electrical reproduction or any other article, equipment, machine or material.

(c) Distribute means to transfer possession of, whether with or without consideration.

(d) The word knowingly as used herein means having knowledge of the contents of the subject matter or failing after reasonable opportunity to exercise reasonable inspection which would have disclosed the character of such subject matter."

SECTION 2. Section 7 of Act 265 of 1965 amended—issuance of search and arrest warrants—seizure and custody of material—hearing—obscene matter declared contraband.—Section 7 of Act 265 of 1965 is amended by striking it in its entirety and inserting in lieu thereof the following:

"Section 7. (a) Magistrates, mayors, intendants, and municipal recorders and judges are empowered to issue warrants of search and seizure for obscene material within their respective jurisdictions. With reference to obscene matter, the provisions of Sections 43-231, 43-232, 43-234, and 43-235, relating to preliminary examinations, shall apply to mayors, intendants, and municipal recorders as well as to magistrates. Such warrants must be supported by the oath or affirmation of the person applying for the warrant, which shall set forth fully and particularly all the facts upon which such application is based and shall designate specifically the suspected place, the object of the search or seizure, and the name of the person suspected and to be arrested if known by the applicant.

(b) If an arrest for violation of this act is made by a peace officer without a warrant because committed within his presence, such officer is empowered to seize without warrant any obscene matter found in possession of or under the control of the person so arrested.

(c) Any material seized pursuant to this act shall be delivered forthwith to the judicial officer who issued the warrant of search and seizure, or, if there was no such warrant, to any magistrate, mayor, intendant, or municipal recorder or judge within whose territorial jurisdiction the material was seized.

(d) Upon written notice, within ten days after such seizure, by the owner or person having custody of any material seized under provisions of this act to the judicial officer to whom such material is

delivered, such judicial officer shall, not later than the third day following receipt of such notice, hold a hearing to determine whether or not there exist reasonable grounds to believe such material is obscene. His decision shall be rendered by the judicial officer within two days after the conclusion of such hearing. Should it be determined that no such reasonable grounds exist, such ruling shall operate to discharge the person arrested, as upon preliminary examination, and the seized material shall be returned to the owner or other person having right to its custody.

(e) Obscene matter is hereby declared contraband, and, upon conviction of, or entry of plea of guilty or nolo contendere by, the owner or other person having custody of such matter, it shall be destroyed. If the owner or other person having custody is not known, any magistrate within whose jurisdiction such matter was seized may order its destruction, but such order shall not issue sooner than the fifth day following the day the material was seized.

(f) Mayors, intendants, and municipal recorders and judges are vested with the same authority as magistrates to issue arrest warrants charging persons with violations of this act, and to bind over such persons for trial before the court of general sessions or other court having jurisdiction of the offense."

SECTION 3. Section 8 of Act 265 amended—penalties.—Section 8 of Act 265 of 1965 is amended by striking it in its entirety and inserting in lieu thereof the following:

"Section 8. Any person violating the provisions of this act shall be deemed guilty of a felony and, upon conviction, shall be punished by imprisonment not exceeding two years or by a fine not exceeding one thousand dollars, or both, at the discretion of the court."

SECTION 4. Saving clause.—If any part of this act should be found invalid, the remainder of the act shall, nevertheless, be upheld.

SECTION 5. Provisions of Act 265 of 1965 to remain in force.—All provisions of Act No. 265 of 1965 shall remain in full force and effect insofar as they apply to and support prosecution for any violation thereof occurring prior to the effective date of this act.

SECTION 6. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 22nd day of April, 1966.

(R1036, H2174)

No. 915

An Act To Regulate Depressant Or Stimulant Drugs Or Agents And Counterfeit Drugs; To Authorize The Creation Of The Division Of Narcotic And Drug Control; To Provide Penalties For Violations; And To Repeal Article 3, Chapter 10, Title 32, Code Of Laws Of South Carolina, 1962, Relating To Barbiturates.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Definitions.—For the purpose of this act:

(a) The term “depressant or stimulant drug” means:

(1) any drug which contains any quantity of
(A) barbituric acid or any of the salts of barbituric acid; or
(B) any derivative of barbituric acid which has been designated as habit forming by the State Board of Health and the appropriate Federal drug authorities.

(2) any drug which contains any quantity of
(A) amphetamine or any of its optical isomers;
(B) any salt of amphetamine or any salt of an optical isomer of amphetamine; or

(C) any substance which the State Board of Health and the appropriate Federal drug authorities, after investigation, have found to be, and by regulation designated as, habit forming because of its stimulant effect on the central nervous system; or

(3) any drug which contains any quantity of a substance which the State Board of Health and the appropriate Federal drug authorities have found to have, and by regulation designated as having a potential for abuse because of its depressant or stimulant effect on the central nervous system or its hallucinogenic effect.

(b) The term “illegal drug” means any depressant or stimulant drug, or counterfeit drug as defined in this act or any narcotic drug or any other drug, pharmaceutical or biological preparation, bearing upon its original manufacturer’s label, the legend “Caution-Federal Law prohibits dispensing without prescription,” or such like phrase, while not in a proper container or not legally held in possession as provided by this act or any other section of the Code of Laws of South Carolina.

(c) The term “counterfeit drugs” means a drug which, or the container or labeling of which, without authorization, bears the trademark, tradename, or other identifying mark, imprint, or devise, or any likeness thereof, of a drug manufacturer, processor, packer,

or distributor other than the person who in fact manufactured, processed, packed or distributed such drug and which thereby falsely purports or is represented to be the product of, or to have been packed or distributed by, such other drug manufacturer, processor, packer or distributor.

(d) The term "delivery" means sale, dispensing, giving away, or supplying in any other manner or otherwise disposing of.

(e) The term "patient" means, as the case may be, (1) the individual for whom a depressant or stimulant drug is prescribed or administered, or (2) the owner or agent of the owner of the animal for which a depressant or stimulant drug is prescribed or administered.

(f) The term "practitioner" means a physician, dentist, or veterinarian licensed by law to prescribe and administer depressant or stimulant drugs.

(g) The term "pharmacist" means a person duly licensed and registered with the State Board of Pharmacy as a compounder, dispenser and supplier of drugs upon prescription.

(h) The term "prescription" means a written or oral order by a practitioner to a pharmacist for a depressant or stimulant drug for a particular patient, which specifies the date of its issue, the name and address of such practitioner, the name and address of the patient (and, if such drug is prescribed for an animal, the species of such animal), the name and quantity of such drug prescribed, the directions for use of such drug, and in the case of a written order, the signature of such practitioner. An oral order by a practitioner for a depressant or stimulant drug must be promptly reduced to writing by the pharmacist.

(i) The term "manufacturer" means persons other than pharmacists who manufacture depressant or stimulant drugs, and includes persons who prepare such drugs in dosage forms by mixing, compounding, encapsulating, entableting, or other process.

(j) The term "wholesaler" means persons engaged in the business of distributing depressant or stimulant drugs to persons included in any of the classes named in subdivisions (1) to (6) of Section 3.

(k) The term "warehouseman" means persons who store depressant or stimulant drugs for others and who have no control over the disposition of such drugs except for the purpose of such storage.

SECTION 2. Unlawful acts.—The following acts, the failure to act as hereinafter set forth, and the causing of any such act or failure are hereby declared unlawful except as provided in Section 3:

(a) The delivery of any depressant or stimulant drug unless—

(1) Such depressant or stimulant drug is delivered by a pharmacist, upon a prescription, and there is affixed to the immediate container in which such drug is delivered a label bearing (A) the name and address of the pharmacy from which such drug was delivered; (B) the name of the pharmacist dispensing such drug; (C) the date on which the prescription for such drug was filled; (D) the number of such prescription as filed in the prescription files of the pharmacist who filled such prescription; (E) the name of the practitioner who prescribed such drug; (F) the name and address of the patient, and, if such drug was prescribed for an animal, a statement of the species of the animal; and (G) the directions for use of the drug as contained in the prescription; or

(2) Such depressant or stimulant drug is delivered by a practitioner in the course of his practice and the immediate container in which such drug is delivered bears a label on which appears the directions for use of such drug, the name and address of such practitioner, the name and address of the patient, and, if such drug is prescribed for an animal, a statement of the species of the animal.

(b) No prescription (issued before or after the effective date of this section) for any depressant or stimulant drug may be filled or refilled more than six months after the date on which such prescription was issued and no such prescription which is authorized to be refilled may be refilled more than five times, except that any prescription for such a drug after six months after the date of issue or after being refilled five times may be renewed by the practitioner issuing it either in writing or orally (if promptly reduced to writing and filed by the pharmacist filling it, and the original prescription shall be cancelled). If no indication of refill status is indicated on the prescription, it shall not be refilled.

(c) The delivery of a depressant or stimulant drug upon prescription unless the pharmacist who filled such prescription files and retains it as required in Section 4.

(d) The possession of a depressant or stimulant drug by any person, unless such person obtained such drug on the prescription of a practitioner, or in accordance with Section 2(a)2. The possession of such drug which is not in a container bearing a prescription label bearing the name and address of the dispenser, the prescriber, the date filled, and the name of the patient for whom it is intended shall be

prima facie evidence that such drug was not lawfully in the possession of such person.

(e) The refusal to make available and to accord full opportunity to check any record or file as required by Section 5.

(f) The failure to keep records as required by paragraph (a) or (b) of Section 4.

(g) The using by any person to his own advantage, or the revealing, other than to an officer or employee of the State Board of Health, or to a court when relevant in a judicial proceeding under this act, of any information required under the authority of Section 5, concerning any method or process which as a trade secret is entitled to protection.

(h) (1) Making, selling, disposing of, or keeping in possession, control or custody, or concealing any punch, die, plate, stone, or other thing designed to print, imprint, or reproduce the trademark, tradename, or other identifying mark, imprint, or device of another or any likeness of any of the foregoing upon any drug or container or labeling thereof so as to render such drug a counterfeit drug. (2) The doing of any act which causes a drug to be a counterfeit drug, or the sale or dispensing or the holding for sale or dispensing, of a counterfeit drug.

SECTION 3. Exceptions.—The provisions of paragraphs (a) and (d) of Section 2 shall not be applicable (a) to the delivery of depressant or stimulant drugs to persons included in any of the classes hereinafter named, or to the agents or employees of such persons, for use in the usual course of their business or practice or in the performance of their official duties, as the case may be; or (b) to the possession of such drugs by such persons or their agents or employees for such use:

(1) Pharmacists

(2) Practitioners

(3) Persons who procure such drugs (A) for handling by or under the supervision of pharmacists or practitioners employed by them, or (B) for the purpose of lawful research, teaching, or testing, and not for resale.

(4) Hospitals and other institutions which procure such drugs for lawful administration by practitioners.

(5) Officers or employees of appropriate enforcement agencies of Federal, State or local governments, pursuant to their official duties.

- (6) Manufacturers and wholesalers.
- (7) Carriers and warehousemen.

SECTION 4. Records to be kept by certain persons.—(a) Persons (other than carriers) to whom the exemptions of Section 3 of this act are applicable shall:

(1) Make a complete record of all stocks of depressant or stimulant drugs on the effective date of this act, (compliance with the requirements of the Federal Drug Abuse Control Amendments of 1965 as to inventories shall constitute compliance with this paragraph).

(2) Maintain detailed but not necessarily separate, records and inventories relating to depressant or stimulant drugs manufactured, purchased, sold, distributed and handled, and retain all such records and inventories required by this subsection (a) for not less than three calendar years after the date of the transaction shown by such record and inventory.

(b) Pharmacists shall, in addition to complying with the provisions of subsection (a) retain each prescription for such drugs received by them for not less than three calendar years immediately following the date of the filling of such prescription. Prescriptions for such drugs must be filed on a separate file from prescriptions dispensed for narcotic or other drugs; *provided*, that pharmacies registered by the Federal Food and Drug Administration shall not be required to maintain a prescription file separate from any but prescriptions for narcotic drugs.

(c) Practitioners shall keep a record of all such drugs purchased for a period of three calendar years immediately following the date of the last purchase (the keeping of invoices of such purchases shall be considered compliance with record keeping of purchases). Practitioners shall also keep records of all such drugs dispensed or sold. Such records shall show the date, name and address of the person to whom dispensed or sold, and the kind and quantity of such drug dispensed or sold. Such records must be kept for a period of three years after the date of the last transaction. *Provided, however*, practitioners shall not be required to keep records of such drugs they personally administer to any one person for treatment, not to exceed twelve dose units at any one time.

SECTION 5. Inspection of records.—Persons required to keep files or records, relating to depressant or stimulant drugs by Section 4 shall, upon the written or oral request of an officer, inspector or

employee duly designated by the State Board of Health, after proper showing of credentials, (1) make such files or records available to such officer, inspector or employee, at all reasonable hours, for inspection and copying, and (2) accord to such officer, inspector or employee full opportunity to check the correctness of such files or records, including opportunity to make inventory of all stocks of such drugs on hand; and it shall be unlawful for any such person to fail to make such files or records available or to accord such opportunity to check their correctness.

SECTION 6. Rules and regulations.—The State Board of Health is hereby authorized to promulgate and enforce rules and regulations (a) for the efficient enforcement of this act and (b) necessary to conform with those promulgated by the Federal Food and Drug Administration under the Drug Abuse Control Amendments of 1965, or any such amendments, rules or regulations as may be henceforth adopted.

SECTION 7. Division of Narcotic and Drug Control to be established.—The State Board of Health shall create under its Administrative Division, a division to be known as the Division of Narcotic and Drug Control. The Director of the division shall be the Chief Drug Inspector, whose duties shall be to supervise and enforce all provisions of this act, Article II, Chapter 10, Title 32, Code of Laws of South Carolina, 1962, (The State Uniform Narcotic Act), and the provisions of all other laws and regulations pertaining to drugs which are specifically delegated to enforcement by the State Board of Health. The Board may employ additional inspectors and agents as are necessary for the proper enforcement of the provisions of these acts. Any inspector or agent authorized under this section shall have statewide police powers, carry firearms, execute and serve search warrants and arrest warrants, make arrests without warrant for offenses under this act, the State Uniform Narcotic Act, and other acts pertaining to drugs, if the offense is committed in his presence or if he has probable cause to believe that the person so arrested has committed, or is committing such offense, execute seizures by judicial process.

SECTION 8. Search warrants.—Search warrants, properly executed, on information and belief, may be served on the owner or agent, of any business establishment in which there is probable cause to believe that such establishment is used for the purpose of selling,

storing or manufacturing illegal drugs, or equipment for manufacture of illegal drugs, and such establishment may be searched and such drugs, and equipment seized at any hour, day or night, while such establishment is open for business. Likewise, any domicile may be searched during the daytime; *provided, however*, a domicile so involved may also be searched during the nighttime between the hours of sunset and midnight.

SECTION 9. Penalties.—Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be punished for a first offense by a fine not exceeding two thousand dollars or by imprisonment of not more than two years or by both fine and imprisonment, in the discretion of the court. A second offender shall be subject to a fine of not less than two thousand dollars nor more than five thousand dollars or by imprisonment for not less than two years nor more than five years or both, in the discretion of the court. A third or subsequent offender shall be subject to imprisonment of not less than five years nor more than ten years and no probation or suspension of such sentence shall be granted until the service of not less than five years of the sentence. Any person violating any of the provisions of this act shall be deemed a subsequent offender if he has been previously convicted of a violation of any of the laws of the United States or any state or territory of the United States, relative to depressant or stimulant or counterfeit drugs. If a pharmacist or practitioner is convicted of, pleads guilty to, or pleads *nolo contendere* to any violation of the provisions of this act, the Licensing Board having jurisdiction, may, after a proper hearing, suspend or cancel the professional license of such convicted pharmacist or practitioner. On the application of any person whose license has been suspended or cancelled and upon proper showing and for good cause, such Licensing Board may reinstate such license.

SECTION 10. Enforcement of act.—The State Board of Health, its officers, inspectors and agents, all law enforcement officers, state, county and municipal, and all solicitors shall enforce all provisions of this act except those specifically delegated, and shall cooperate with all agencies charged with the enforcement of the laws of the United States, of this State and of all other States relating to depressant or stimulant and counterfeit drugs.

SECTION 11. Article 3, Chapter 10, Title 32 repealed.—Article 3, Chapter 10, Title 32, of the Code of Laws of South Carolina, 1962, is repealed.

SECTION 12. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 22nd day of April, 1966.

(R1038, H2258)

No. 916

An Act To Amend Section 6 Of Act No. 77 Of 1965, Prohibiting Public Utility Companies, Rural Electric Cooperatives Or Any Agency Furnishing Electric Current At Retail In Kershaw County From Making Electrical Connections To A Building Constructed Or Improved Without A Construction Permit, So As To Include Saw Service For Such Building.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 6 of Act 77 of 1965 amended—electricity not to be furnished without permit.—Section 6 of Act No. 77 of 1965 is amended by inserting after “building” on line three “, or to a saw service for such building,” so that, when so amended, Section 6 shall read :

“Section 6. It shall be unlawful for any public utility company, rural electric cooperative or any agency furnishing electric current at retail to make a new connection of electrical energy to a building, or to a saw service for such building, requiring a permit under this act unless such permit was acquired for the construction or improvement of the building. Any company, cooperative or agency making a connection within an incorporated municipality which does not issue building permits shall report to the county tax assessor’s office on or before the tenth of each month the location of each connection.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 22nd day of April, 1966.

(R1040, H2438)

No. 917

An Act To Amend Section 60-205.1, Code Of Laws Of South Carolina, 1962, Relating To The Recording Of Plats, Maps And Other Similar Instruments In Spartanburg County, So As To Require That They Be Submitted In Duplicate.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 60-205.1 amended—recording of plats in Spartanburg County.—Section 60-205.1 of the 1962 Code is amended by inserting between the words “which” and “does” on line four “is not submitted in duplicate and which” so that when amended the section shall read as follows :

“Section 60-205.1. In Spartanburg County no plat, map or drawing or section of or amendment to any such plat, map or drawing, shall be accepted by the register of mesne conveyances of Spartanburg County for record which is not submitted in duplicate and which does not bear the name of the draftsman, the date, and the location of the property. The provisions of this section shall not apply to any plat, map or drawing which is classified by law as an ancient document.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 22nd day of April, 1966.

(R1041, H2290)

No. 918

An Act To Make It Unlawful To Use Dual Contracts To Receive A Loan On Real Property.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Unlawful to use dual contracts for loans on real property.—It shall be unlawful for any person to knowingly make, issue, deliver or receive dual contracts for the purchase or sale of real property. Dual contracts, either written or oral, are two contracts concerning the same parcel of real property, one of which states the true and actual purchase price and one of which states a purchase price in excess of the true and actual purchase price and

is used as an inducement for mortgage investors to make a loan commitment on such real property in reliance upon the stated inflated value.

SECTION 2. Penalties.—Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than five hundred dollars or be imprisoned for not more than six months, or both.

SECTION 3. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 22nd day of April, 1966.

(R1043, H2407)

No. 919

An Act To Amend The Code Of Laws Of South Carolina, 1962, By Adding A New Section To Be Designated As Section 65-2241.7, So As To Provide For The Employment Of Deputy Tax Collectors In Berkeley County.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 65-2241.7 added—Berkeley County may employ deputy tax collector.—The Code of Laws of South Carolina, 1962, is amended by adding a new section to be designated as Section 65-2241.7, so as to authorize the employment of one or more deputy tax collectors in Berkeley County which shall read as follows:

“Section 65-2241.7. The Tax Collector of Berkeley County may employ one or more competent persons as deputy tax collectors, who shall receive such compensation as is provided annually in the county appropriations act. Each deputy tax collector shall assist the tax collector whenever and wherever directed in the levying and serving of executions and in the discovery and putting on the tax books of property not taxed, together with such other duties in regard to the collection of taxes as the tax collector may designate from time to time. Each deputy tax collector shall furnish a fiduciary bond, to be approved by the clerk of court for Berkeley County, in the sum of two thousand dollars.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 22nd day of April, 1966.

(R1044, H2410)

No. 920

An Act To Further Limit The Hours During Which Beer Or Wine May Be Sold Or Consumed On The Vendor's Premises In Pickens County And To Provide A Penalty For Violations.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Unlawful to sell beer in Pickens County during certain hours.—In addition to any other legal limitation on the sale of beer or wine it shall be illegal in Pickens County to sell or allow the consumption of such beverages on the vendor's premises between the hours of twelve o'clock midnight and seven a. m.

SECTION 2. Penalties.—Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and, upon conviction shall be fined not more than one hundred dollars or imprisoned for not more than thirty days.

SECTION 3. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 22nd day of April, 1966.

(R1047, H2312)

No. 921

An Act To Exempt Treatment Facilities Or Equipment Of Manufacturing Plants Which Control Water Or Air Pollution From All Property Taxation.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Certain air pollution equipment exempt from taxes.—Treatment facilities or equipment of manufacturing plants which control water or air pollution are hereby exempt from all property taxation.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 22nd day of April, 1966.

(R1050, H2105)

No. 922

An Act To Amend Section 8-222, Code Of Laws Of South Carolina, 1962, As Amended, Relating To Real Estate Secured Loans By Banks, So As To Increase The Authorized Amount Of Such Loans From Sixty Per Cent To Seventy-five Per Cent Of The Appraised Value Of The Real Estate.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Bank loans on real estate.—Section 8-222 of the 1962 Code, as amended by Act No. 43 of 1963, is further amended by striking the word 'sixty' in line two and inserting in lieu the words 'seventy-five'. The section when amended shall read as follows:

"Section 8-222. Loans secured by first liens on improved real estate can be made only up to seventy-five per cent of the appraised value of the real estate and for a term of not longer than fifteen years. The principal amount of such real estate loans shall be amortized at the rate of at least five per cent per annum."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 22nd day of April, 1966.

(R1051, H2439)

No. 923

An Act To Provide For A Deputy Member Of The Board Of Registration Of Spartanburg County.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Deputy member may be appointed.—The Board of Registration of Spartanburg County may appoint a deputy member of the board whose term shall be fixed by the board. The deputy shall have the authority to carry out such responsibilities of the board as shall be delegated to him.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 22nd day of April, 1966.

(R1053, H2444)

No. 924

An Act To Require Anderson County Legislative Delegation To File Certain County Matters With The Clerk Of Court, And To Repeal Section 14-874, Code Of Laws Of South Carolina, 1962, Which Requires The County Board Of Commissioners And County Supervisor To Publish Certain Statements.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Anderson County Legislative Delegation to file certain information.—The Secretary of the Anderson County Legislative Delegation shall file with the county clerk of court on or before May thirtieth of each even-numbered year a compilation of Anderson County matters specifically including, but not limited to, the following :

- (1) The preceding annual audit of the county as provided for in Section 14-875, Code of Laws of South Carolina, 1962;
- (2) A copy of the audit of each school district;
- (3) All minutes of the County Legislative Delegation meetings from November of the preceding even-numbered year;
- (4) Inventories of county property;
- (5) Copies of all reports from the various county boards and commissions; and
- (6) Such other information as a majority of the County Legislative Delegation may see fit to include.

SECTION 2. Section 14-874 repealed.—Section 14-874, Code of Laws of South Carolina, 1962, is repealed.

SECTION 3. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 22nd day of April, 1966.

(R1054, H2463)

No. 925

An Act To Amend Act 274 Of 1965, Relating To The Creation Of Sewer Districts In Orangeburg County, So As To Change The Qualifications For Voting And Empower The Governing Body Of The Districts To Dispose Of Any Property.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 4 of Act 274 of 1965 amended—who may vote.—Section 4 of Act 274 of 1965 providing for persons over twenty-one years of age or certain officers of corporations eligible to vote on the creation of sewer districts is amended by striking it in its entirety so that when amended the section shall provide that persons residing in the district and qualified to vote under the general law of the State shall be eligible to vote. The section when amended shall read as follows:

“Section 4. Any person who is qualified to vote under the general law of this State and who resides in the district shall be eligible to vote.”

SECTION 2. Item (9) of Section 5 of Act 274 of 1965 amended—property may be acquired and disposed of.—Item (9) of Section 5 of Act 274 of 1965 which relates to the power of the district to purchase and lease property is amended so as to empower the district to also dispose of both real and personal property in furtherance of the purposes of the district. The item when amended shall read as follows:

“(9) To acquire, purchase, hold, use, lease, mortgage, sell, transfer and dispose of any property, real, personal or mixed, or any interest therein;”.

SECTION 3. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 22nd day of April, 1966.

(R1059, H2461)

No. 926

An Act To Amend Section 21-3601, Code Of Laws Of South Carolina, 1962, As Amended, Relating To The Newberry County Board Of Education, So As To Delete The Requirement That The Member-At-Large Shall Represent Gallman High School.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 21-3601 amended — Newberry County Board of Education.—Section 21-3601, Code of Laws of South Carolina, 1962, as amended, is further amended by deleting the next to the

last sentence which reads as follows: "The member-at-large shall represent Gallman High School." The section when amended shall read as follows:

"Section 21-3601. In Newberry County the county board of education shall be composed of the county superintendent of education, who shall be an ex officio member, and eight other qualified persons who shall be appointed by the Governor upon the recommendation of the Senator and at least one-half of the members of the House of Representatives. The duties of the county superintendent of education shall be such as are assigned to him by the county board of education. Of the eight members other than the county superintendent of education, one each shall come from the areas of Pomaria, Little Mountain, Prosperity, Silverstreet, Bush River, Newberry and Whitmire and one from the county-at-large. The eight memberships other than that of the county superintendent of education shall be numbered from one through seven and one member-at-large, and the term of office of each membership shall be as follows: memberships one and two shall be for four years; memberships three and four shall be for three years; memberships five and six shall be for two years; membership seven shall be for one year and the member-at-large shall be for two years. After the expiration of the terms of the initial appointments hereunder, all appointments shall be for a term of four years. Other than the county superintendent of education, no person employed in the public school system shall be eligible for membership on the board."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 22nd day of April, 1966.

(R1060, H2450)

No. 927

An Act To Amend Section 16-396, Code Of Laws Of South Carolina, 1962, Relating To Dumping Trash Or Refuse On The Property Of Another Or On Highways, So As To Provide That In Pickens County, Upon Conviction Of Littering, A Person May Be Directed To Gather Litter In Lieu Of A Fine.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 16-396 amended—unlawful to dump trash on property of another or on highways—special provisions for Pickens County.—Section 16-396 of the 1962 Code is amended by adding at the end thereof the following: “*Provided*, further, that in Pickens County, the court, in lieu of any fine imposed, may direct the substitution of litter-gathering labor under the supervision of the court, not to exceed one hour for each ten dollars of the fine imposed.” The section when amended shall read as follows:

“Section 16-396. It shall be unlawful for any person without written permission to dump or leave trash, refuse or garbage on any property belonging to another or on or along any public highway in this State. Any violation of this section shall be punishable by a fine of not less than fifty dollars nor more than one hundred dollars or by imprisonment for not more than thirty days, and in addition any person violating this section may be required to remove from the highway any such trash, refuse or garbage dumped or left on the highway; *provided*, that any person violating the provisions of this section in Pickens County, upon conviction, shall be fined not more than one hundred dollars or be imprisoned for not more than thirty days. *Provided*, further, that in Pickens County, the court, in lieu of any fine imposed, may direct the substitution of litter-gathering labor under the supervision of the court, not to exceed one hour for each ten dollars of the fine imposed.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 22nd day of April, 1966.

(R1061, H2449)

No. 928

An Act To Amend Section 14-3157, Code Of Laws Of South Carolina, 1962, Relating To Office Hours For County Officers In Pickens County, So As To Increase The Number Of Months That Offices May Close At Noon On Wednesday.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 14-3157 amended—office hours for county officers.—Section 14-3157 of the 1962 Code is amended by striking “June, July and August” on line four and inserting “April, May,

June, July, August and September." The section when amended shall read as follows:

"Section 14-3157. All county officers may close their respective offices at twelve o'clock noon on each and every Saturday throughout the year and at twelve o'clock noon on each Wednesday during the months of April, May, June, July, August and September, and may keep them closed for the remainder of the day."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 22nd day of April, 1966.

(R1064, H2422)

No. 929

An Act To Amend Act No. 215 Of 1965, Relating To Schools In Greenville County, So As To Delete The Provision Allowing A Decrease Of A Tax Levy.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 1 of Act 215 of 1965 amended—tax levy for School District of Greenville County.—Section 1 of Act No. 215 of 1965 is amended by striking paragraph three in its entirety so as to delete the provision allowing a decrease of a tax levy. The section when amended shall read as follows:

"Section 1. The Auditor of Greenville County shall levy upon all of the taxable property within The School District of Greenville County for general school operating purposes for the year 1965 and annually thereafter, unless increased or decreased as hereinafter provided in Sections 3 and 5, the number of mills, not exceeding fifty-seven mills, which a majority of the Board of Trustees of the School District may determine to be necessary for general school operating purposes. The Tax Collector of Greenville County shall collect the tax in like manner as all other taxes are collected and place it in the district's school operating account, to be disbursed for the declared purposes in the manner fixed by law. The levy of fifty-seven mills is hereby declared to be the ceiling levy for general school operating purposes.

In the event that in any year the board shall determine that a levy of eight mills upon all the taxable property of the district is insufficient

to pay the amount of principal and interest required under the terms of the general obligation bonds of the district issued in the aggregate principal amount of three million three hundred thousand dollars and dated September 1, 1959, and in the aggregate principal amount of twelve million dollars and dated June 1, 1963, the maximum levy which the board is authorized for school operating purposes for the year shall be decreased by the number of mills by which the levy required to meet such bond maturities, including principal and interest, exceeds eight mills; but in making the determination the board may take into account any surplus in the sinking fund accounts maintained for the payment of such bonds, including interest thereon, and the surplus, or so much as may be necessary, may be added to the anticipated proceeds of the eight-mill levy and used for the purpose of paying the amount of principal and interest required to be paid upon the bonds for the year."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 22nd day of April, 1966.

(R1068, H2472)

No. 930

An Act To Create The Granby Recreation Commission In Lexington County And To Provide Penalties For Violations If An Election Results Favorably Thereto.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Referendum concerning creation of Granby Recreation Commission.—An election shall be held on the same day as the general election in 1966 to determine the wishes of the registered electors residing in Brookland-Cayce School District No. 2 as to whether they favor the creation of the Granby Recreation Commission, which shall be empowered to levy a tax for recreational purposes.

SECTION 2. Ballots and question.—The Commissioners of Election of Lexington County shall furnish ballots to the various voting precincts within the district, which shall have the following question printed thereon:

"Do you favor creation of the Granby Recreation Commission, which shall be empowered to levy a tax of three mills for the

development and improvement of recreation facilities and programs for young people and senior citizens?

YES ☐

NO ☐

Those voting in favor of the question shall deposit a ballot with a check or cross mark in the square opposite the word 'YES' and those voting against the question shall deposit a ballot with a check or cross mark in the square opposite the word 'NO.' "

The Commissioners of Election for Lexington County shall canvass the ballots and shall certify the results to the Clerk of Court for Lexington County and to the Secretary of State.

SECTION 3. Sections 4 through 11 effective if election favorable.—If the election results favorably to the creation of Granby Recreation Commission, with authority to levy a tax, then Sections 4 through 11 of this act shall become effective.

SECTION 4. Granby Recreation Commission created.—There is hereby created a commission to be known as the Granby Recreation Commission of Lexington County whose territorial jurisdiction shall extend over all that area in Brookland-Cayce School District No. 2.

SECTION 5. Members—appointments — terms — officers.—The commission shall be composed of nine members. Seven shall be appointed by the Governor upon the recommendation of the city councils of the respective municipalities, as follows: two members shall be from Cayce, two from West Columbia, one from South Congaree, one from Pine Ridge and one from Springdale; and two shall be appointed by the Governor upon the recommendation of the legislative delegation representing Lexington County from the district at large. They shall serve for terms of four years and until their successors are appointed and qualify. Of those first appointed, one from Cayce, one from West Columbia, one from the district at large and one from Pine Ridge shall serve for terms of two years and until their successors are appointed and qualify. The commission shall meet as soon after its appointment as may be practicable and shall organize by electing one of its members as chairman and such other officers as it may deem necessary.

SECTION 6. Powers.—The commission may do all acts and things necessary to a full enjoyment of the powers vested by this act in it. It may enter into contracts for matters and things germane to its pur-

poses and may execute and deliver deeds of conveyance of property acquired by it. The commission shall have, in addition to the power to sell and convey real estate owned by it, the power to exchange such real estate when it deems it advisable.

SECTION 7. Hire personnel — purpose.—The commission shall have the authority to hire and fire such personnel deemed necessary to operate the recreational program for the district. The commission will in no way interfere with existing programs carried on by other agencies unless authorized by such agencies. The purpose of this commission is to improve and increase recreational facilities and programs, both for the young people and senior citizens.

SECTION 8. Rules and regulations.—The commission may promulgate reasonable rules and regulations with respect to the use of such parks, playgrounds and recreational centers owned by the district and the violation of any such regulation shall be a misdemeanor, punishable by a fine of not exceeding ten dollars or imprisonment for not exceeding ten days, or both. Such offenses shall be cognizable and triable by any magistrate or municipal recorder whose jurisdiction extends to any part of the area within Brookland-Cayce School District No. 2.

SECTION 9. Gifts and grants.—The commission may apply for and receive grants of any kind, that is, money or other assistance, from the State or Federal Government or its agencies. It may acquire by gift or otherwise real and personal property and hold, manage and operate such property.

SECTION 10. Exempt from taxes.—Any and all property, whether real or personal, owned and held by the commission within the area shall be exempt from all property taxes.

SECTION 11. Tax levy.—The commission may levy upon all taxable property in the district three mills per annum to meet the costs of operating and maintaining parks, playgrounds and recreational facilities in that area. Such tax shall be levied by the county auditor and collected by the county treasurer, who shall keep it in a separate fund, applicable solely to the purpose for which it is levied.

SECTION 12. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 22nd day of April, 1966.

(R1071, H2494)

No. 931

An Act To Amend The Code Of Laws Of South Carolina, 1962, By Adding Section 65-1780.2, So As To Provide That In Charleston County The Register Of Mesne Conveyances May Record Deeds Without The Auditor's Endorsement And That The Deed Shall Be Delivered After Recording To The Auditor And Endorsed Without Charge.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 65-1780.2 added—recording of deeds in Charleston County.—The Code of Laws of South Carolina, 1962, is amended by adding Section 65-1780.2, so as to provide that in Charleston County the register of mesne conveyances may record deeds without the auditor's endorsement and that the deed shall be delivered after recording to the auditor and endorsed without charge, to read as follows:

"Section 65-1780.2. Notwithstanding the provisions of Section 65-1780, the register of mesne conveyances for Charleston County shall accept for recording deeds of conveyance for real property that have not been first endorsed by the auditor of Charleston County. The register of mesne conveyances for Charleston County shall after recording deliver the original deeds of conveyance to the auditor for endorsement and no fee shall be charged by the auditor for such endorsement."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 22nd day of April, 1966.

(R1072, H2495)

No. 932

An Act To Amend Section 27-76, Code Of Laws Of South Carolina, 1962, As Amended, Relating To The Fees Of The Register Of Mesne Conveyances In Charleston County, So As To Increase The Fee For Recording Certain Instruments.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Item (a) of Section 27-76 amended—fees for recording certain instruments.—Item (a) of Section 27-76, Code of

Laws of South Carolina, 1962, as amended, is further amended by adding at the end of line eight of the item as shown in Act No. 1069 of 1964 "and twenty-five cents". The item when amended shall read as follows:

"(a) for deeds, real estate mortgages, leases, contracts, agreements, powers of attorney, bonds for title, mechanics' and materialmen's liens, real estate attachments, any instruments concerning real estate and any other instruments entitled to recordation not herein specifically provided for, including chattel mortgages and other instruments whereby the holder retains or claims an interest in personal property, with or without notes, to secure a principal debt of more than one hundred dollars, one dollar and twenty-five cents for the first legal-cap size page, or fraction thereof, and twenty-five cents for each additional page, or fraction thereof, required to complete recording;"

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 22nd day of April, 1966.

(R1073, H2496)

No. 933

An Act To Amend The Code Of Laws Of South Carolina, 1962, By Adding Section 60-56.2, So As To Provide That In Charleston County The Register Of Mesne Conveyances May Record Deeds Without The Auditor's Endorsement And That The Deed Shall Be Delivered After Recording To The Auditor And Endorsed Without Charge.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 60-56.2 added—recording certain deeds in Charleston County.—The Code of Laws of South Carolina, 1962, is amended by adding Section 60-56.2, so as to provide that in Charleston County the register of mesne conveyances may record deeds without the auditor's endorsement and that the deed shall be delivered after recording to the auditor and endorsed without charge, to read as follows:

"Section 60-56.2. Notwithstanding the provisions of Section 60-56, the register of mesne conveyances for Charleston County shall

accept for recording deeds of conveyance for real property, including timber deeds, timber leases and contracts of conveyance of timber, without the prior endorsement of the county auditor and shall after recording deliver the original deeds of conveyance to the auditor of Charleston County for endorsement and no fee shall be charged by the auditor for such endorsement."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 22nd day of April, 1966.

(R1075, H2515)

No. 934

An Act To Amend Item (3) Of Section 15-262, Code Of Laws Of South Carolina, 1962, As Amended, Relating To The Terms Of Court In Orangeburg County, So As To Clarify The October Term.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Item (3) of Section 15-262 amended—terms of court for Orangeburg County.—Item (3) of Section 15-262 of the 1962 Code, as amended by Act No. 135 of 1965, is further amended by striking all after the word "weeks" after the word "three" on line seven and inserting in lieu thereof the following: "and a three week term commencing the first Monday in October, continuing for two weeks and then recommencing on the fourth Monday and continuing for an additional week." The item when amended shall read as follows:

"(3) Orangeburg County.—The court of general sessions for the county of Orangeburg shall be held at Orangeburg the first Monday in January, the first Monday in May and the second Monday in September. Each term shall be for two weeks. The court of common pleas for the county of Orangeburg shall be held at Orangeburg on the second Monday in March for three weeks, the first Monday in June for three weeks, and a three week term commencing the first Monday in October, continuing for two weeks and then recommencing on the fourth Monday and continuing for an additional week."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 22nd day of April, 1966.

(R1077, S585)

No. 935

An Act To Amend The Code Of Laws Of South Carolina, 1962, By Adding Section 14-2000, So As To Provide For A County Council Form Of Government For Georgetown County, To Amend Sections 14-2001, As Amended, 14-2002, 14-2004, 14-2006 And 14-2008 And Article 1, Chapter 38, Title 14, Code Of Laws Of South Carolina, 1962, Relating To The Board Of County Commissioners For Georgetown County, So As To Change The Reference To County Board Of Commissioners To That Of County Council, And To Repeal Sections 14-2005 And 14-2010, Code Of Laws Of South Carolina, 1962, Relating To Certain Powers And Duties Of The Board Of Commissioners.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 14-2000 added—system of government for Georgetown County.—The Code of Laws of South Carolina, 1962, is amended by adding Section 14-2000 which shall read as follows :

“Section 14-2000. There is hereby provided for Georgetown County a system of municipal government which shall be administered by a county council as constituted in this article whose powers and duties shall be set forth in this chapter.”

SECTION 2. Section 14-2001 amended—county council—members—elections—terms — interim appointments.—Section 14-2001 of the 1962 Code, as amended, which establishes a board of county commissioners for Georgetown County, is further amended by establishing a county council. The section when amended shall read as follows :

“Section 14-2001. The county council shall be composed of five members who shall be elected at large by the qualified electors of the county and shall serve for a term of four years and until their successors have been elected and qualified. The positions on the council shall be numbered one through five and each candidate shall specify the numbered position to which he seeks election. The members of council for positions one and two shall be elected in the general election to be held in 1968 and shall serve for a term of four years. The members of council for positions numbers three, four and five shall be elected in the general election to be held in 1970 and shall serve for a term of four years. Any vacancy on the council occurring before the expiration of the term shall be filled for the unexpired

portion of the term by the same method of election as provided for the original holder of the office. The terms of office for members of council shall begin at the same time as the members of the legislature. Until the election provided by this section is held, the members of county council shall be appointed for an interim term by the Governor upon the recommendation of a majority of the county delegation, including the resident senator."

SECTION 3. Section 14-2002 amended—officers and personnel.

—Section 14-2002 of the 1962 Code is amended by inserting the following sentence at the beginning of the section: "The member elected to position number one on the council shall serve as chairman.", on line one by striking "board of commissioners" and inserting "council", on line three by striking "as chairman and another", on line four by striking "clerk" and inserting "county supervisor or manager and such other personnel as may be necessary to carry out their duties and responsibilities", and on line five by striking "commissioners" and inserting "council". The section when amended shall read as follows:

"Section 14-2002. The member elected to position number one on the council shall serve as chairman. The county council shall, immediately after qualifying, meet and organize by electing one of their number as vice-chairman and may elect or employ a county supervisor or manager and such other personnel as may be necessary to carry out their duties and responsibilities, who shall be subject to removal at any time at the discretion of the council."

SECTION 4. Section 14-2004 amended—powers and duties.—

Section 14-2004 of the 1962 Code, which relates to the powers of the county board of commissioners, is amended so as to confer additional powers on the county council. The section when amended shall read as follows:

"Section 14-2004. The county council shall be charged with the administration of county affairs, including but not limited to:

(a) The hearing of all budget requests and the preparation of the annual budget for the operation of the affairs of the county which shall be submitted to the county legislative delegation including the resident senator or if none at least one-half of the senators of the district for final approval.

(b) The formulation and implementation of personnel policies for county employees including supervision of insurance programs; ex-

cept that the rights of the constitutional officers of the county, boards, commissions, the auditor, and the treasurer to select their own personnel shall not be infringed.

(c) The purchasing of all supplies and equipment by the county and the maintenance of inventory records thereon and to invite bids by public notice and to use the State purchasing office where practicable and to employ a purchasing agent for carrying out these provisions.

(d) Approval of expenditures from the contingent fund as it may be established from time to time by law.

(e) The supervision of all buildings and grounds owned by the county.

(f) The acquisition of property by purchase or gift.

(g) The adoption, use and alteration of a corporate seal.

(h) The leasing or sale of property owned by the county.

(i) The making of contracts for the county.

(j) The exercise of the power of eminent domain within the county.

(k) The exercise of all powers vested by law on or before midnight, June 30, 1967, in the former County Board of Commissioners."

SECTION 5. Section 14-2006 amended—meetings.—Section 14-2006 of the 1962 Code, which relates to the meetings of the board of commissioners, is amended so as to fix such meetings for the county council. The section when amended shall read as follows:

"Section 14-2006. The county council shall meet at the county courthouse on the call of the chairman at least once a month, and at such other times as may be necessary. In all matters regarding the county affairs, any decisions by a majority of the council shall rule and be binding."

SECTION 6. Section 14-2008 amended—compensation.—Section 14-2008 of the 1962 Code, which relates to the compensation of the members of the board of commissioners, is amended to provide such compensation for the county council. The section when amended shall read as follows:

"Section 14-2008. The members of the county council shall receive such compensation as may be determined by them and shall be paid from the funds appropriated for general county operations."

SECTION 7. Certain references to mean county council.—After June 30, 1967, all references in Article 1, Chapter 38, Title 14 of the

1962 Code to the county board of commissioners or the board shall mean county council or the council.

SECTION 8. Sections 14-2005 and 14-2010 repealed.—Sections 14-2005 and 14-2010 of the 1962 Code are repealed.

SECTION 9. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 29th day of April, 1966.

(R1078, S679)

No. 936

An Act To Provide For The Compensation Of Certain Employees In Charleston County.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Charleston County employees may receive certain supplements.—Effective July 1, 1966 any provision of law restricting county supplements to compensation furnished county officers and employees by the State shall not apply to officers and employees of Charleston County and such salaries may be supplemented by the county.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 29th day of April, 1966.

(R1080, S714)

No. 937

An Act To Exempt The Town Of Summerville, In Dorchester County, From The Provisions Of Section 47-352, Code Of Laws Of South Carolina, 1962, Relating To The Salaries Of Mayors And Councilmen Of Towns Of Less Than Five Thousand And More Than One Thousand Inhabitants.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Town Council Of Summerville may set salaries of mayor and aldermen.—Notwithstanding the provisions of Section

47-352 of the 1962 Code, the Town Council of the Town of Summerville, in Dorchester County, may fix by ordinance the salaries of the mayor and aldermen; *provided*, that the salaries of the mayor or councilmen shall not be increased or reduced during the term of office of any incumbent without the unanimous vote of the council.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 29th day of April, 1966.

(R1081, S715)

No. 938

An Act To Provide For Terms Of Four Years For The Mayor And Aldermen Of The Town Of Summerville In Dorchester County.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Terms of mayor and aldermen for Town of Summerville.—Notwithstanding any other provision of law to the contrary, beginning with the election to be held in 1967 for the town council, the Mayor and Aldermen of the Town of Summerville in Dorchester County shall be elected for terms of four years.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 29th day of April, 1966.

(R1085, H2232)

No. 939

An Act To Amend Section 46-150.27, Code Of Laws Of South Carolina, 1962, Relating To The Surrender Of Certificates Of Title To Vehicles Being Scrapped, So As To Require Delivery To The South Carolina State Highway Department By The Owner Or Transferee Of Such A Vehicle The Certificate Of Title And Manufacturer's Serial Plate To The Vehicle; And To Provide A Penalty For Violations.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 46-150.27 amended—scrapped vehicles—certificate of title, license plates, registration card and serial

number to be surrendered—penalties.—Section 46-150.27 of the 1962 Code is amended to read as follows:

“Section 46-150.27. (a) Any owner who sells or in any manner disposes to another of a vehicle manufactured less than five years prior to the then current model year as wreckage or salvage shall immediately mail or deliver the certificate of title to the vehicle to the transferee. The transferee shall, within fifteen days after the earlier of either the date of purchase or of obtaining possession of the vehicle, deliver the certificate of title, license plates, registration card and the manufacturer’s serial plate to the State Highway Department for cancellation. Any owner who, without transfer of ownership, abandons, scraps, dismantles or destroys such a vehicle shall, within fifteen days after the first act taken in connection therewith, deliver the certificate of title, license plates, registration card and the manufacturer’s serial plate to the department for cancellation. A certificate of title will not again be issued except upon application containing such information as may be required by the department. For the purposes of this section a vehicle to which an insurance company has taken title in the settlement of a claim for damages to such vehicle by fire, collision or other causes shall be held and deemed to be wreckage or salvage, and such insurance company shall be held and deemed to be the owner, and not the purchaser, of the vehicle for the purpose of this section.

(b) Any owner who sells or in any manner transfers ownership of a vehicle manufactured five years or more prior to the then current model year as wreckage or salvage or who abandons, scraps, dismantles or destroys such a vehicle shall, within fifteen days after such transfer or the first act taken to effect abandonment, scrapping, dismantling or destruction, deliver the certificate of title to the department for cancellation.

(c) Any person violating any provision of this section shall, upon conviction, for a first offense, be fined not less than five hundred dollars or imprisoned not less than six months, or both, in the discretion of the court, and for a second and each offense thereafter, the fine shall be one thousand dollars or imprisonment for one year, or both, in the discretion of the court.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 29th day of April, 1966.

(R1086, H2236)

No. 940

An Act To Amend Sections 15-1311, 15-1311.3, 15-1311.5, 15-1311.11 And 15-1311.15, Code Of Laws Of South Carolina, 1962, Relating To The Juvenile And Domestic Relations Court Of Lexington County, So As To Lower The Age Of A Child Over Whom The Court May Acquire Jurisdiction From Seventeen To Sixteen And To Provide That At Least One Probation Officer Shall Be A College Graduate.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Items (3) and (4) of Section 15-1311 amended—age of children over whom court has jurisdiction.—Items (3) and (4) of Section 15-1311 of the 1962 Code are amended by striking on the first line of each item the word “eighteen” and inserting “seventeen”. The items when amended shall read as follows:

- “(3) ‘*Child*’ means a person less than seventeen years of age; and
- (4) ‘*Adult*’ means a person seventeen years of age or older.”

SECTION 2. Section 15-1311.3 added—personnel—probation of ficer.—Section 15-1311.3 of the 1962 Code is amended by adding after the word “training” on line nine “and a college graduate”. The section when amended shall read as follows:

“Section 15-1311.3. All appointments of personnel under the authority of this chapter shall be made by the judge. The judge shall employ such probation officer and such stenographer and clerical assistant at such salaries as may be recommended and approved by the legislative delegation of the county. There shall be a stenographer-clerk who shall attend to the affairs of the office and keep it open during regular working hours observed by other courthouse employees. There shall be at least one probation officer who shall be a person of special training and a college graduate to work with children and domestic problems. He shall make investigations, including the status of probations, and perform other duties upon the direction of the judge. When not otherwise engaged in his duties in the juvenile and domestic relations court, the probation officer shall act and serve, within the confines of Lexington County, as assistant probation officer to the court of general sessions of Lexington County, and shall perform such duties as may be assigned him by the probation officer of the eleventh judicial circuit and the South Carolina Probation, Parole and Pardon Board.”

SECTION 3. Item (2) of Section 15-1311.5 amended—jurisdiction of children.—Item (2) of Section 15-1311.5 of the 1962 Code is amended by striking on lines two, six and nine the word “eighteen” and inserting “seventeen”. The item when amended shall read as follows :

“(2) Whenever the juvenile and domestic relations court shall have acquired jurisdiction of any child under seventeen years of age, such jurisdiction shall continue so long as in the judgment of the court it may be necessary to retain jurisdiction for the correction or education of such child, but such jurisdiction shall terminate when such child shall attain the age of twenty-one years. Concerning any minor, seventeen years of age or older, living or found within the county, alleged to have violated or attempted to violate any state or local law or municipal ordinance prior to becoming seventeen years of age, such minor shall be dealt with under the provisions of this chapter relating to children.”

SECTION 4. Section 15-1311.11 amended—transfer of cases from other courts.—Section 15-1311.11 of the 1962 Code is amended by striking on line three the word “eighteen” and inserting “seventeen”. The section when amended shall read as follows:

“Section 15-1311.11. If, during the pendency of a criminal or quasi-criminal charge against any minor in any other court, it shall be ascertained that the minor was under the age of seventeen years at the time of committing the alleged offense, it shall be the duty of such court to forthwith transfer the case, together with all the papers, documents and testimony connected therewith, to the juvenile and domestic relations court, except in those cases where the Constitution gives to the circuit court original jurisdiction.

The court making such transfer shall order the minor to be taken forthwith to the place of detention designated by the juvenile and domestic relations court or to that court itself, or shall release such minor to the custody of some suitable person to be brought before that court at a time designated. The juvenile and domestic relations court shall then proceed as provided in this chapter.”

SECTION 5. Section 15-1311.15 amended—preliminary investigation—petition.—Section 15-1311.15 of the 1962 Code is amended by striking on line nine the word “eighteen” and inserting “seventeen”. The section when amended shall read as follows:

"Section 15-1311.15. Whenever any person informs the court that a child is within the purview of this chapter, the court shall make preliminary inquiry to determine whether the interests of the public or of the child require that further action be taken. Thereupon the court may make such informal adjustment as is practicable without a petition, or may authorize a petition to be filed by any person.

The petition and all subsequent court documents shall be entitled 'In the Juvenile and Domestic Relations Court of Lexington County. In the Interest of, a child under seventeen years of age.' The petition shall be verified and may be upon information and belief. It shall set forth plainly (a) the facts which bring the child within the purview of this chapter, (b) the name, age and residence of the child, (c) the names and residences of his parents, if known, and (d) the name and residence of his legal guardian, if there be one, of the person or persons having custody or control of the child, or of the nearest relative, if no parent or guardian can be found. If any of the facts herein required are not known by the petitioner, the petition shall so state.

Prior to the hearing of a case of any child, the judge shall cause an investigation of all the facts pertaining to the issue to be made. Such investigation shall consist of an examination of the parentage and surroundings of the child, his age, habits and history, and shall include also any inquiry into the home conditions, habits and character of his parents or guardian. In such cases the court shall also, if practicable, cause the child to be examined as to his mentality by a competent and experienced psychologist who shall make a report of his findings. Prior to the hearing of a case of any child who attends school, there shall be obtained from the school which he attends a report concerning him. The school official shall furnish such report upon the request of the court or its probation counselor. The court shall, when it is considered necessary, cause a complete physical examination to be made of the child by a competent physician."

SECTION 6. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 29th day of April, 1966.

(R1087, H2244)

No. 941

An Act To Amend Section 15-1311.5, Code Of Laws Of South Carolina, 1962, Relating To The Exclusive Original Jurisdiction Of The Juvenile And Domestic Relations Court Of Lexington County, So As To Provide That The Court Shall Not Have Jurisdiction Of A Child For Violations Of Certain Traffic Laws.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Item (d) of subsection (1) of Section 15-1311.5 amended—not to have jurisdiction for violation of traffic laws.—

Item (d) of subsection (1) of Section 15-1311.5 of the 1962 Code is amended by changing the comma at the end thereof to a semicolon and adding the following: “*provided*, that if the violation is punishable upon conviction by a fine of not more than one hundred dollars or imprisonment for no longer than thirty days, and is a violation of a statute or ordinance regulating motor vehicle traffic, the magistrate’s or recorder’s court shall have jurisdiction,” so that, when so amended, the subsection shall read :

“(d) who is alleged to have violated or attempted to violate any state or local law or municipal ordinance, regardless of where the violation occurred; *provided*, that if the violation is punishable upon conviction by a fine of not more than one hundred dollars or imprisonment for no longer than thirty days, and is a violation of a statute or ordinance regulating motor vehicle traffic, the magistrate’s or recorder’s court shall have jurisdiction.”.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 29th day of April, 1966.

(R1088, H2320)

No. 942

An Act To Create The School District Of Aiken County, To Provide For Its Governing Body And To Repeal Sections 21-1031 Through 21-1037, Code Of Laws Of South Carolina, 1962, Relating To The Aiken County Board Of Education.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. School District of Aiken County created.—Effective as of April 1, 1966, and pursuant to the provisions of Section 21-112, the General Assembly hereby creates the School District of Aiken County which shall be comprised of all of the territory of Aiken County and shall be coextensive with the County. The affairs of the School District of Aiken County shall be supervised and managed by the Aiken County Board of Education (the county board). The county board shall consist of ten qualified electors, each of whom shall be a resident of the ten attendance areas into which the school district is divided for that purpose, viz.: Aiken (No. 1); Jackson (No. 2); Gregg (No. 3); Langley-Bath-Clearwater (No. 4); Monetta (No. 5); North Augusta (No. 6); Salley (No. 7); Wagener (No. 8); Windsor (No. 9); and New Ellenton-Talatha (No. 10).

SECTION 2. Board members and terms.—Initially the county board shall be comprised of the following persons, whose places of residence and terms of office, which shall end at the next regular meeting of the county board of education following the election of members in the years set opposite their respective names, are:

<i>Name of Member</i>	<i>Attendance Area</i>	<i>Year in Which Term Expires</i>
C. T. Marsh	No. 1	1969
Basil Brinkley	No. 2	1967
Raymond Barton	No. 3	1968
Frank Gunnels, Jr.	No. 4	1969
Lewis Boatwright, Jr.	No. 5	1969
J. George McElmurray	No. 6	1967
Reginald Boylston	No. 7	1967
James Busbee	No. 8	1968
Gordon Mundy	No. 9	1968
F. L. Eaves	No. 10	1968

SECTION 3. Election of successors.—Successors to those named shall be elected by the qualified electors of their respective attendance areas by special elections to be held on the first Tuesday in February in each district in which the term of the member of the board from such district expires in such year. Such election shall be held between the hours of nine a. m. and seven p. m. Voting places shall be located at each of the precincts in each district where an election is being held. Voters shall vote only in the precinct in which they are registered.

The commissioners shall appoint three managers for each precinct and a committee of three to conduct the election, canvass the vote and certify the results to the commissioners. The rules of the general election shall apply except as otherwise specified in this act. The committee shall list as a candidate any qualified resident elector on whose behalf twelve or more electors sign a request that his name be listed. If fewer nominating petitions are filed than there are places to fill in the election the committee shall place in nomination the name of any incumbent. All nominating petitions must be in the hands of the chairman of the election committee by three p. m. seven days before the election date. Necessary expenses of the election shall be paid from the county board of education funds.

SECTION 4. Members to receive commissions—terms—vacancies.—The selection of members of the board as above provided shall be certified to the Secretary of State by the county board of education and he shall thereupon issue a commission to each person so selected. The term of office of the board members shall be three years, the initial terms of office having been four for three years, three for two years and three for one year so that a staggered term has been provided which will allow a change of only three members in any one year. The terms of office shall begin at the next regular board meeting following the election. In the case of a vacancy, a successor shall be appointed by the county board after receiving a recommendation from the area advisory board involved.

SECTION 5. Meetings — officers — compensation.—The county board of education shall meet annually on the second Tuesday in April and elect one of its members as chairman and another as vice-chairman. The county superintendent of education shall be ex officio secretary to the board. The board shall hold a regular meeting at least monthly thereafter and special meetings as necessary. All regular meetings shall be open to the public. Minutes of all meetings shall be kept by the secretary and filed by him in permanent record. The members of the board shall receive per diem and mileage as provided by law for boards, commissions and committees.

SECTION 6. Powers and duties—budget—tax levy—referendum on.—The county board of education shall be clothed with all of the powers and charged with all of the duties otherwise pro-

vided by law and shall have executive, financial and administrative control of the public schools in the county subject, however, to the provisions of this act.

The county board of education shall each year between the first day of February and the first day of July, prepare a budget for the operation of the public schools of Aiken County during the ensuing fiscal year. Copies of this budget shall be distributed to all members of the county board of education, the county superintendent of education, all members of the county legislative delegation, including the Senator, the county auditor and the county treasurer. Upon compliance with the provisions of this act, and after taking into account all funds available or to become available from all sources other than from the levy of Aiken County property taxes, the county board of education shall recommend to the county auditor the county property tax levy necessary for the operation of the public schools during the period covered by the budget and in accordance therewith. If the county property tax levy recommended by the county board of education is not in excess of that for the current fiscal year and is otherwise within the limits authorized by law, the county auditor shall levy and the treasurer shall collect county property taxes in an amount sufficient to meet this budget. However, the county board of education shall not recommend, the county auditor shall not impose, and the county treasurer shall not collect, any increase in the county property tax levy over that for the current fiscal year, until the question of such proposed increase in the county property tax levy shall have been presented to the qualified electors of Aiken County in a referendum held for the purpose of ascertaining their wishes in the matter, and prior approval for such proposed increase in the property tax levy evidenced by a favorable vote of a majority of those voting in the referendum. The referendum shall be ordered and conducted by the county board of education, and the result thereof shall be certified to the county auditor, the county treasurer, and all members of the county legislative delegation, including the Senator. Wide publicity shall be given to the holding of the referendum, and official notice thereof shall be given by publication in a newspaper having general circulation in the county for not less than once a week for three consecutive weeks prior to the date set for the referendum. The notice shall give the date of the referendum, the question to be voted upon, and any other information considered necessary or desirable in order to fully inform the voters.

SECTION 7. Board of trustees.—In Aiken County the county board of education shall, ex officio, be and constitute the board of school trustees.

SECTION 8. Notes may be issued.—The county board of education may issue short-term notes in anticipation of Federal aid, State aid or taxes.

SECTION 9. Terms and holidays.—The county board of education may fix the length of the school term for each school district and the dates for the opening and closing of school terms and may establish holidays.

SECTION 10. Contracts for employment of teachers and employees.—The county board of education shall examine all contracts for the employment of teachers and other employees and no contract shall be binding upon the board or upon any school district, nor shall any part of the money called for in such contract be paid, until such contract has been approved by the board.

SECTION 11. Contracts with other districts for interchange of pupils.—In addition to all other powers, the county board of education shall be empowered to enter into contractual arrangements with the school authorities of any school district adjacent to the Consolidated School District of Aiken County on such terms and under such conditions as shall be mutually agreeable for the interchange of pupils residing within the Consolidated School District of Aiken County and any pupils residing within any school district adjacent to said School District so that pupils residing in the Consolidated School District of Aiken County may attend schools of school districts adjacent to the Consolidated School District of Aiken County, and/or pupils residing in school districts adjacent to the Consolidated School District of Aiken County may attend schools supported by the Consolidated School District of Aiken County and located within the Consolidated School District of Aiken County.

SECTION 12. Saving clause.—This act shall be deemed complementary to and not in derogation of any action taken by the County Board of Education of Aiken County as constituted by Article I, Chapter 19, Title 21, Code of Laws of South Carolina, 1962, in undertaking the creation of the School District of Aiken County. If this act, or any provision hereof, shall be held invalid, such holding shall not affect or disturb any action so taken by such County Board of Education of Aiken County.

SECTION 13. Sections 21-1031 through 21-1037 repealed.—Sections 21-1031 through 21-1037, Code of Laws of South Carolina, 1962, are repealed.

SECTION 14. Time effective.—This act shall take effect as of April 1, 1966, or upon its approval by the Governor, whichever shall last occur.

Approved the 29th day of April, 1966.

(R1089, H2388)

No. 943

An Act To Amend Section 21-1068, Code Of Laws Of South Carolina, 1962, Providing Enrollment Requirements For The Continuance Of Certain Schools In Aiken County, So As To Make The Provisions Thereof Applicable To Bath Elementary School In Aiken County.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 21-1068 amended—certain schools not to be closed—conditions.—Section 21-1068 of the 1962 Code is amended so as to include Bath Elementary School among those schools in Aiken County which shall not be closed as long as certain enrollment requirements are met by inserting in line one between the words “of” and “Clearwater,” the words “Bath Elementary School.” The section when amended shall read as follows :

“Section 21-1068. The schools of Bath Elementary School, Clearwater, Center, Belvedere, Gloverville, Downer, New Holland, Talatha-Hawthorne, Redd’s Branch and Jackson shall not be closed, *provided* each of said schools shall maintain a yearly enrollment and average attendance of pupils in the first to the sixth grades, inclusive, sufficient to qualify for State aid salaries for three or more teachers.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 29th day of April, 1966.

(R1090, H2434)

No. 944

An Act To Amend Act 750 Of 1962, Relating To Horizontal Property Regimes, So As To Further Define The Term Apartment.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Item (a) of Section 3 of Act 750 of 1962 amended—apartment defined.—Item (a) of Section 3 of Act 750 of 1962 is amended on line two by striking “a floor in”. The item when amended shall read as follows:

“(a) ‘Apartment’ means an enclosed space consisting of one or more rooms occupying all or part of a building of one or more floors or stories regardless of whether it be designed for residence, for office, for the operation of any industry or business, or for any other type of independent use, provided it has a direct exit to a thoroughfare or to a given common space leading to a thoroughfare;”.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 29th day of April, 1966.

(R1091, H2445)

No. 945

An Act To Amend The Code Of Laws Of South Carolina, 1962, By Adding New Section 23-380.1, So As To Provide That In Aiken County Voting Certificates Shall Be Stamped When More Than One Party Conducts A Primary Election On The Same Date.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 23-380.1 added—stamping of voting certificates in Aiken County.—The Code of Laws of South Carolina, 1962, is amended by adding new Section 23-380.1 to require voting certificates to be stamped in Aiken County where more than one primary is held on the same date. The section shall read as follows:

“Section 23-380.1. In Aiken County, where more than one party shall hold a party primary election on the same date, the manager carrying out the provisions of Section 23-380 shall impress in ink

on the back of the registration certificate of each voter a stamp of distinctive design denoting participation in the election being held. Such stamp shall be prepared by the clerk of the court of common pleas and furnished in sufficient quantities to each party so as to assure compliance with this section."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 29th day of April, 1966.

(R1092, H2457)

No. 946

An Act To Establish A Voting Precinct In Barnwell County At Ashleigh Baptist Church For The Purpose Of Voting For Blackville School District No. 19 Trustees Only.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Voting precinct for election of Blackville School District 19 trustees.—There is hereby established a voting precinct in Barnwell County at Ashleigh Baptist Church in former Ashleigh School District No. 24 for the purpose of voting for school trustees of Blackville School District No. 19 only.

SECTION 2. Certain electors to vote at Ashleigh Baptist Church Precinct.—Only registered electors residing in the Blackville School District No. 19 who are not qualified to vote at any other precinct in the district shall be eligible to vote at Ashleigh Baptist Church Precinct.

SECTION 3. Furnishing of books.—The Barnwell County election officials shall furnish registration books for the precinct.

SECTION 4. Purpose of precinct.—The new precinct established by this act shall be used only for the purpose of electing trustees for Blackville School District No. 19.

SECTION 5. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 29th day of April, 1966.

(R1093, H2466)

No. 947

An Act To Amend Section 21-1035.2, Code Of Laws Of South Carolina, 1962, Authorizing The Aiken County Board Of Education To Issue Short-Term Notes In Anticipation Of Federal Or State Aid Or Taxes, So As To Make Further Provision Therefor.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 21-1035.2 amended—issuance of notes.—Section 21-1035.2 of the 1962 Code which authorizes the Aiken County Board of Education to issue short-term notes in anticipation of federal or State aid or taxes, is amended so as to limit the amount of such notes and to authorize the pledging of taxes and aid for the payment of the notes by striking the period at the end of the section and adding the following: “received during any fiscal year. The board may pledge for the payment of notes authorized by this section the taxes or aid in anticipation of which the notes are issued.” The section when amended shall read as follows:

“Section 21-1035.2. The county board of education may issue short-term notes in anticipation of Federal aid, State aid or taxes received during any fiscal year. The board may pledge for the payment of notes authorized by this section the taxes or aid in anticipation of which the notes are issued.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 29th day of April, 1966.

(R1095, H2513)

No. 948

An Act To Amend Item (6) Of Section 38-61.1, Code Of Laws Of South Carolina, 1962, As Amended, Relating To The Drawing Of Fifty Petit Jurors, So As To Include Greenville County.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Item (6) of Section 38-61.1 amended—certain counties to draw fifty jurors.—Item (6) of Section 38-61.1 of the 1962 Code, as amended, is further amended on line two between the words “Florence” and “and” by inserting “Greenville”. The item when amended shall read as follows:

“(6) *Fifty jurors.*—Notwithstanding the provisions of Section 38-61, the jury commissioners of Beaufort, Florence, Greenville and Horry Counties may draw fifty petit jurors.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 29th day of April, 1966.

(R1098, S653)

No. 949

An Act To Amend Section 23-176, Code Of Laws Of South Carolina, 1962, As Amended, Relating To Voting Places For The Greenville County Precincts, So As To Change The Voting Place In The Berea Precinct.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Voting place for Berea Precinct.—Notwithstanding the provisions of Section 23-176 of the 1962 Code, as amended, the voting place for the Berea Precinct shall be at the Berea Lions Club Building located off Lions Club Road near the Berea High School.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 4th day of May, 1966.

(R1099, S718)

No. 950

An Act To Amend Section 47-22.1, Code Of Laws Of South Carolina, 1962, Relating To Annexation At Landowner's Request In Certain Counties, So As To Include Berkeley County.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 47-22.1 amended—annexation of property at owner's request in certain counties.—Section 47-22.1 of the 1962 Code is amended by adding after the word “in” on line one “Berkeley,”. The section when amended shall read as follows:

"Section 47-22.1. If a landowner in Berkeley, Dillon, Horry or Pickens County whose property lies adjacent to the city limits of any municipality desires that such property be annexed to the municipality, he shall present a petition requesting such annexation, and if the governing body of the municipality acts favorably thereupon, the property shall be annexed and become a part of the municipality.

If any landowner's property which is being served electric energy by a cooperative is annexed to any municipality in Horry County, such landowner may continue to be served by such cooperative so long as he desires."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 4th day of May, 1966.

(R1101, S724)

No. 951

An Act To Amend Section 65-1523, Code Of Laws Of South Carolina, 1962, As Amended, Relating To Specific Property Exemptions From Taxation, So As To Exempt Boyleston Masonic Lodge No. 123, A. F. M., in Richland County.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 65-1523 amended—property exempt from taxes.—Section 65-1523, Code of Laws of South Carolina, 1962, as amended, is further amended by adding the following item so as to exempt Boyleston Masonic Lodge No. 123, A. F. M. from property taxes in Richland County:

"() All property of Boyleston Masonic Lodge No. 123, A. F. M. shall be exempt from all local, county, school and special taxes."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 4th day of May, 1966.

(R1106, S707)

No. 952

An Act To Amend Act No. 681 Of The Acts Of 1962, Relating To The Richland-Lexington Airport District, So As To Provide That Funds Held For Payment Of District Bonds May Be Invested In United States Treasury Obligations.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Item (f), paragraph 19 of Section 5 of Act 681 of 1962 amended—investment of funds.—Item (f) of paragraph 19 of Section 5 of Act No. 681 of 1962 is amended by changing the period at the end of the fourth sentence to a semicolon and adding: "*provided*, that the State Treasurer shall, upon request of the commission, invest the funds held for payment of principal and interest of the bonds in United States Treasury obligations until needed for payment. All interest resulting from such investment shall accrue to the benefit of the district." so that, when amended, the item shall read:

"(f) There shall be irrevocably pledged for the payment of such bonds and interest as they mature the full faith, credit and resources of the district. Until the principal and interest of all bonds issued under this act shall be fully paid, there shall be levied on all taxable property in the district an annual tax ad valorem sufficient to pay the principal and interest of all bonds issued under this act as such principal and interest becomes due. The tax shall be annually levied by the Comptroller General of South Carolina and collected by the County Treasurers of Richland and Lexington Counties at the same time and in the same manner as county taxes are collected. Each of the county treasurers shall collect the tax in his county and pay the same to the State Treasurer in the manner and within the time heretofore provided by law for the payment of state taxes to the State Treasurer, who shall set them apart in a special fund and apply them solely to the payment of principal and interest of the bonds so long as any such principal or interest remains outstanding; *provided*, that the State Treasurer shall, upon request of the commission, invest the funds held for payment of principal and interest of the bonds in United States Treasury obligations until needed for payment. All interest resulting from such investment shall accrue to the benefit of the district. The tax to be levied under the provisions of this paragraph shall not be substantially greater than the amount necessary to pay principal and interest of bonds maturing during the year in which

moneys produced by such levy will come into the hands of the State Treasurer, as reduced by the anticipated balance of funds actually in the hands of the State Treasurer, on the occasion when it becomes necessary to fix such tax levy, produced by: (a) additional collections from such levies made in prior years; (b) net revenues derived by the commission from the operation of its facilities not required to meet costs of operating, maintaining, enlarging and improving its facilities, or to discharge covenants securing bonds issued pursuant to paragraph 18. When all principal and interest of outstanding bonds have been paid, the State Treasurer shall transfer any balance remaining in the special fund created under the terms of this paragraph to the general fund of the commission subject to its draft or order for any legitimate purpose incident to the operation, maintenance or extension of the district's airport facilities."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 4th day of May, 1966.

(R1109, S742)

No. 953

An Act To Amend Section 15-412, Code Of Laws Of South Carolina, 1962, Relating To Employment Of Deputy By Probate Judge In Georgetown County, So As To Require That He Give Bond.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 15-412 amended—deputy judge of probate for Georgetown County.—Section 15-412, Code of Laws of South Carolina, 1962, is amended by adding at the end thereof the following, so as to provide for bonding of deputy judge of probate: "Any deputy so employed before entering upon the discharge of his duties shall enter into a bond as required of the judge of probate and in the same sum as that of the judge of probate, conditioned for the faithful discharge of his duties, the premiums on which bond shall be paid for by Georgetown County.", so that when amended the section shall read as follows:

"Section 15-412. The probate judge of Georgetown County may employ a deputy and delegate all of the duties and responsibilities

of his office to such deputy. Any deputy so employed before entering upon the discharge of his duties shall enter into a bond as required of the judge of probate and in the same sum as that of the judge of probate, conditioned for the faithful discharge of his duties, the premiums on which bond shall be paid for by Georgetown County."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 4th day of May, 1966.

(R1110, S744)

No. 954

An Act To Amend Section 15-1681.9, Code Of Laws Of South Carolina, 1962, Setting The Civil Jurisdiction For The Civil And Criminal Court Of Union, So As To Increase The Amount Involved From Ten Thousand Dollars To Twenty-five Thousand Dollars.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 15-1681.9 amended—jurisdiction of court.—Section 15-1681.9 of the Code of 1962, setting the civil jurisdiction for the Civil and Criminal Court of Union, is amended by striking the word "ten" in line four of the section and inserting in lieu thereof the words "twenty-five". When so amended the section shall read as follows :

"Section 15-1681.9. The civil and criminal court of Union shall have concurrent jurisdiction with the court of common pleas in all civil cases and special proceedings, both at law and in equity, in which the amount demanded in the complaint does not exceed the sum of twenty-five thousand dollars, and in all other civil cases and special proceedings, both at law and in equity, in which there is no money demanded or in which the right involved cannot be measured or fixed by any monetary value. The court shall have concurrent jurisdiction with the court of common pleas of the county in actions relating to divorce from the bonds of matrimony and alimony and settlement of property rights connected therewith, regardless of the amount of alimony or of the value of the property rights settled or judgment obtained therein."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 4th day of May, 1966.

(R1141, H2543)

No. 955

An Act To Establish A Traffic Court And The Office Of Traffic Recorder In The City Of Greenwood.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Traffic Court established for City of Greenwood.—There is hereby established in the City of Greenwood a traffic court.

SECTION 2. To be held by a recorder.—The traffic court shall be held by a recorder.

SECTION 3. Election and compensation.—The traffic recorder shall be elected in the same manner as that prescribed for the election of the city recorder and his compensation shall be fixed by the mayor and members of city council.

SECTION 4. Jurisdiction.—The jurisdiction of the traffic court recorder shall be limited to the trial and disposition of traffic violations occurring within the City of Greenwood.

SECTION 5. Powers.—The traffic recorder shall have the power to issue summons, subpoenas and arrest warrants in all cases involving traffic violations and suspend sentences imposed by him upon such terms as he may deem proper.

SECTION 6. Jurisdiction of Recorder's Court.—The Recorder's Court of the City of Greenwood shall have concurrent jurisdiction with the traffic court and the provisions for regulating trial by jury and appeals from the traffic court shall be the same as now conferred by law upon the recorder's court.

SECTION 7. Assistant traffic recorder.—After a determination that there is a need for an assistant traffic recorder such assistant may be elected and compensated in the same manner as prescribed for city recorder.

SECTION 8. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 4th day of May, 1966.

(R1112, H1558)

No. 956

An Act To Amend Section 46-136, Code Of Laws Of South Carolina, 1962, As Amended, Relating To The Uninsured Motorist Fee, So As To Increase Such Fee; And To Provide For A Period Of Time In Which A Person Acquiring A Motor Vehicle May Purchase Liability Insurance Or Pay The Uninsured Motorist Fee.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 46-136 amended—uninsured motorist fee.—Section 46-136, Code of Laws of South Carolina, 1962, as amended, is further amended by striking “twenty” where it appears on lines six, twelve and fifteen and inserting in lieu thereof “fifty”. The section when amended shall read as follows:

“Section 46-136. In addition to any other fees prescribed by law, every person registering and licensing an uninsured motor vehicle, as defined in Section 46-135, in this State shall pay, at the time of registering and licensing such uninsured motor vehicle, a sum to be fixed by the Chief Insurance Commissioner, which sum shall not exceed fifty dollars, the amount of such sum to be determined by the Commissioner in accordance with sound actuarial principles; *provided*, that credit for payment made on a motor vehicle subsequently transferred during the same licensing year shall be applied to any motor vehicle thereafter registered by such uninsured motorist during the same licensing year. Any person who has paid the additional fifty dollar fee as required by this section and who files with the State Highway Department, within sixty days after registration of the vehicle, a certificate of automobile liability insurance, may be entitled to a pro rata refund of the additional fifty dollar fee; *provided*, he has not been involved in a motor vehicle accident or otherwise required to demonstrate financial responsibility prior to the filing of the certificate of insurance.

In addition to any other fees prescribed by law, every person registering and licensing any self-propelled motor scooter or motor bike or similar vehicle propelled by a motor not exceeding ten-brake horse power shall pay at the time of registering and licensing such vehicle a fee not exceeding five dollars."

SECTION 2. Period of time to acquire insurance.—Any person acquiring a motor vehicle shall have the same period of time provided for the transfer of title to acquire the minimum amount of liability insurance required by law or pay the uninsured motorist fee, and during such period shall not be considered in violation of Section 46-138.1. *Provided, however,* that for purposes of the Uninsured Motorist Act such a person who causes injury or damage before procuring liability insurance shall be deemed an uninsured motorist, unless there is other primary liability insurance coverage on such motor vehicle.

SECTION 3. Time effective.—This act shall take effect with the next ensuing motor vehicle registration year which commences November 1, 1966.

Approved the 6th day of May, 1966.

(R1113, H2253)

No. 957

An Act To Amend Section 17-134, Code Of Laws Of South Carolina, 1962, Relating To Per Diem Paid To Coroners' Jurors In Lexington County, So As To Add Chesterfield County To The Provisions Thereof.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 17-134 amended—compensation of coroners' jurors in Lexington and Chesterfield Counties.—Section 17-134, Code of Laws of South Carolina, 1962, is amended by striking the word "County" on line two and inserting "and Chesterfield Counties". The section when amended shall read as follows:

"Section 17-134. All jurors in inquests in Lexington and Chesterfield Counties shall be entitled to receive a per diem of two dollars for each day of attendance, to be certified by the coroner to the county treasurer."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 4th day of May, 1966.

(R1115, H2127)

No. 958

An Act To Establish The South Carolina Commission For The Blind And To Repeal Sections 71-112, 71-113, 71-116, 71-116.1 And 71-119, Code Of Laws Of South Carolina, 1962, Relating To The Treatment And Training Of The Blind.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. S. C. Commission for the Blind created.—There is hereby created the South Carolina Commission for the Blind. The commission shall consist of five members, of whom two shall have a visual acuity not to exceed 20/200. The Governor shall, with the advice and consent of the Senate, appoint the members of the commission for terms of four years. The initial appointments shall be as follows: two for terms of four years, two for terms of three years and one for a term of two years. All vacancies shall be filled in the manner of the original appointment for the unexpired portion of the term only. The members of the commission shall elect one of its members as chairman for a term of two years or until his successor has been elected. The chairman shall preside at the regular meetings of the commission to be held on the first Monday following the first Tuesday of each month. The chairman may call a meeting when he deems it necessary to be held at a time to be determined by the commission. The commission shall appoint a director and such other officers as it deems necessary, none of whom shall be a member of the commission, and shall fix the compensation and prescribe the duties of such appointees. The members of the commission shall receive no salary but shall be allowed the usual mileage, subsistence and per diem as authorized by law for commissions, committees and boards.

SECTION 2. Blindness defined.—For purposes of this act, "blindness" is the criteria of visual disability which differentiates the scope of administration of the rehabilitation program of the Commission for the Blind from that of the State Agency of Vocational Rehabilitation,

which falls within the following definitions of blindness: central visual acuity not exceeding 20/200 in the better eye with best correction, or an average of both eyes, or central visual acuity greater than 20/200 but accompanied by limitations in the field of vision such as the widest diameter of the visual field subtends an angle no greater than twenty degrees; or an eighty per cent loss of visual efficiency resulting from visual impairment in more than one function of the eye, including visual acuity for distance and near, visual fields, ocular, motility, and other ocular functions and disturbances. Determination of degree of vision will be by means of eye examinations by an approved ophthalmologist.

SECTION 3. Powers and duties.—The commission shall:

1. Promulgate rules and regulations as may be necessary to carry out the provisions of this act.

2. Apply for, receive and expend moneys from all governmental agencies, both State and Federal; and accept gifts, grants, donations, devises and bequests made for providing aid to the visually handicapped, including expenses of administration. All such funds shall be paid into the State Treasury.

3. Submit to the Governor and publish an annual report showing the total amount of money disbursed, the total number of blind and visually handicapped persons who received services, and such other information as may be deemed advisable.

4. Maintain a complete register of persons whose vision, with correcting lenses, does not exceed 20/200 which shall also include the conditions, cause of loss of sight, capacity for educational and industrial training of each, and other pertinent facts.

5. Maintain bureaus of information and industrial aid to assist the visually handicapped in finding employment and to teach them industries which may be followed in their homes, and to assist them in whatever manner may seem advisable to the commission in disposing of the products of their home industry.

6. Make inquiries concerning the cause of loss of sight, learn what proportion of these cases are preventable and inaugurate and cooperate with the State in any measure as may seem wise.

7. Cooperate with the State Board of Health in the adoption and enforcement of proper preventive measures.

8. Establish, equip and maintain a center for vocational, industrial and other training and employ qualified instructors. The center shall provide for orientation and adjustment for the visually handi-

capped. Training in such centers shall be limited to persons deemed eligible by the commission.

9. Supervise and control all concession stands established and operated formerly by the State Department of Public Welfare and all concession stands established by the commission.

10. Have the authority to enter into contracts with owners of private property for the purpose of installing concession stands which shall be under the control of the commission.

11. Establish, supervise and render totally operative and effective prevention of loss of sight programs using such facilities in the State as the commission may deem necessary including a mobile ophthalmological laboratory and office.

12. Assist in the furtherance of the purposes of Sections 32-701 to 32-706 and 32-750, Code of Laws of South Carolina, 1962.

SECTION 4. Examination.—The commission shall designate the procedure to be followed and shall establish a register of ophthalmologists from which the applicant may select one to conduct a competent medical examination for determining the extent of his visual handicap. The commission shall pay for such examination.

SECTION 5. Payment and results of examination.—The commission may arrange for the examination of the eyes of visually handicapped persons and may secure and pay for medical and surgical treatment for such persons whenever in the judgment of an ophthalmologist the eyes of such person may be benefited thereby. Whenever, upon examination by an ophthalmologist any person is found to have no vision or vision with glasses which is so defective as to prevent the performance of ordinary activities for which eyesight is essential, such examining ophthalmologist shall, within thirty days, report the results of the examination to the commission.

SECTION 6. Employment of teachers.—The commission may employ qualified itinerant teachers to assist teachers in public or private schools who are responsible for the teaching of visually handicapped students. The itinerant teacher shall assist the public or private school teacher by providing methods and materials for teaching such student. The State Department of Education shall report to the commission the schools having visually handicapped students. All principals or heads of private schools shall report to the commission the names of visually handicapped students in attendance.

SECTION 7. Concession stands.—The commission is empowered to operate concession stands in any State, county or municipal building and in any State park and shall negotiate with the proper agency or governing body regarding the establishment of a concession on such property. In buildings where a stand existed on May 25, 1940, the person who was then operating such a stand shall not be removed, but when such operator ceases to operate such stand the concession for further operation shall be granted to the commission. No rental or other charge shall be required by the commission for the granting of an operation permit. Any rental payment or commission charged by the owner of private property for the location of such a stand shall be collected from the operator of the stand by the commission. No charge shall be made for the installation or operation of a concession stand or for the maintenance of equipment of a concession stand regardless of location.

SECTION 8. Appropriations.—Any sums appropriated by the General Assembly for treatment and training of the visually handicapped shall be kept by the State Treasurer in a fund for the treatment and training of the visually handicapped and shall be used to carry out the particular purpose assigned to it.

SECTION 9. Hearings.—Every person aggrieved by an action of the commission shall be granted, upon request, a hearing before a hearing officer assigned by the commission. The hearing officer shall have authority to conduct hearings, to issue subpoenas requiring the attendance of witnesses and the production of records and other documents, to administer oaths and to take testimony. An appeal may be taken from the decision of the hearing officer to the commission for the blind. The commission shall hold a hearing on the matter which shall be attended by at least three members. An appeal may be taken from the decision of the commission to the court of common pleas for the county where the appellant resides and the matter shall be heard *de novo* in the court as a matter of equity. The appellant shall, within ten days after notice of the decision of the commission, serve notice of appeal upon the chairman of the commission, stating grounds upon which the appeal is founded and file such notice with the clerk of court to which such appeal is taken. Such appeal shall act as a supersedeas until it is finally determined. The clerk of court shall place the case upon the docket for trial.

SECTION 10. Certain duties of Division of Blind of State Welfare Department devolved upon Commission.—The powers and du-

ties of the Division for the Blind of the State Department of Public Welfare including, but not limited to, the distribution of talking book machines, vocational rehabilitation and other special services for the visually handicapped except those duties and responsibilities surrounding the administration of the State Federal Program of Aid to the Needy Blind shall be devolved upon the South Carolina Commission for the Blind.

SECTION 11. Appointments—transfer of records.—The Governor shall, within thirty days after the signing of this act, appoint the members to the commission and the Department of Public Welfare shall turn over to the Commission for the Blind all case records and other material in the files of the Division for the Blind.

SECTION 12. Transfer of monies.—The Department of Public Welfare shall turn over the funds appropriated to it by the General Assembly for use in its administration of the Division of the Blind for the fiscal year beginning July 1, 1966, to the South Carolina Commission for the Blind. The transfer of such funds shall be under the supervision of the Budget and Control Board and upon completion of the transaction the Department of Public Welfare shall obtain a receipt from the Budget and Control Board and the Commission for the Blind.

SECTION 13. Sections 71-112, 71-113, 71-116, 71-116.1 and 71-119 repealed.—Sections 71-112, 71-113, 71-116, 71-116.1 and 71-119, Code of Laws of South Carolina, 1962, are repealed.

SECTION 14. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 6th day of May, 1966.

(R1116, H2133)

No. 959

An Act To Amend Section 65-1523, Code Of Laws Of South Carolina, 1962, As Amended, Relating To Specific Property Exemptions From Taxation, So As To Exempt Hejaz Temple In Greenville.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 65-1523 amended—property exempt from taxation.—Section 65-1523, Code of Laws of South Carolina, 1962, as amended, is further amended by adding the following item:

“() The property of Hejaz Temple, Ancient Arabic Order Nobles of the Mystic Shrine in Greenville shall be exempt from all local, county, school and special taxes, so long as such property is used by the Hejaz Temple.

“*Provided*, however, should any portion or part thereof be used for commercial or business purposes, such portion only as is so used shall not be exempt from the taxes hereinabove listed.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 4th day of May, 1966.

(R1117, H2482)

No. 960

An Act To Provide For Four Year Terms For The Mayor And Aldermen Of The City Of Barnwell In Barnwell County.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Terms of mayor and aldermen for City of Barnwell.—Notwithstanding the provisions of Section 47-311 of the 1962 Code, the governing body of the City of Barnwell shall consist of a mayor and six aldermen who shall be elected by the qualified electors of the city at large. They shall serve for terms of four years and until their successors are elected and qualify. At the next election for mayor and aldermen, after the effective date of this act, the mayor and the three aldermen receiving the highest number of votes shall serve for regular terms of four years and the three alderman receiving the next highest number of votes shall be elected to serve for terms of two years. Thereafter the mayor and all aldermen shall be elected for terms of four years.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 4th day of May, 1966.

(R1121, H2165)

No. 961

**An Act To Prohibit Tattooing On The Body Of Another Person
And To Provide A Penalty.**

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Tattooing unlawful.—It shall be unlawful for any person to tattoo any part of the body of another person. Any person violating the provisions of this act shall be guilty of a misdemeanor and, on conviction, shall be punished by fine or imprisonment, or both, in the discretion of the court.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 4th day of May, 1966.

(R1123, H2329)

No. 962

An Act To Amend Section 32-1042, Code Of Laws Of South Carolina, 1962, Which Authorizes The Superintendents Of Mental Health Facilities To Act as Committees, So As To Change Such Authorization To The State Commissioner Of Mental Health Or His Designee.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 32-1042 amended—when Commissioner of Mental Health or his designee may act as Committee.—Section 32-1042 of the 1962 Code is amended by striking on line three “the superintendent of the facility” and inserting “the State Commissioner of Mental Health or his designee” and by striking the word “superintendent” on lines seven, ten, thirteen and fifteen, and inserting “commissioner or his designee.” The section when amended shall read as follows :

“Section 32-1042. If any patient of a State mental health facility has no legally appointed committee, the State Commissioner of Mental Health or his designee may receive and accept for the use and benefit of any such patient or trainee any sum of money, not in excess of the sum of twenty-five hundred dollars in any one calendar year, which may be due such patient or trainee by inheritance, gift, pension or otherwise. The commissioner or his designee may act

as committee for any such patient or trainee, and his endorsement or receipt shall discharge the obligor for such sum so received. Upon receipt of any such fund the commissioner or his designee shall use it for the proper maintenance, use and benefit of such patient or trainee, or as much thereof as may be necessary for such purposes. In the event any such patient or trainee should die leaving an unexpended balance of any such funds in the hands of the commissioner or his designee, he shall apply such balance first to the funeral expenses of such patient or trainee, and any balance remaining shall be held by the commissioner or his designee for a period of six months, and if he is not within such period, contacted by the personal representative of such deceased patient or trainee, the balance in the personal fund account shall be applied to the maintenance and medical care account of the deceased patient or trainee. Any further balance shall be paid to the judge of probate of the county from which the patient or trainee was admitted for distribution according to law."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 4th day of May, 1966.

(R1124, H2493)

No. 963

An Act To Declare The Saluda Gardens, Saluda Terrace, Westover Acres And Saluda Hills Subdivisions In Lexington County As A Bird Sanctuary And To Provide Penalties For Violations.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Area in Lexington County to be bird sanctuary.—

All of that area known as Saluda Gardens, Saluda Terrace, Westover Acres and Saluda Hills Subdivisions in Lexington County is hereby declared to be a bird sanctuary. Any person killing or maiming any bird within such sanctuary shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of one hundred dollars or imprisoned for not to exceed thirty days.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 4th day of May, 1966.

(R1125, H2505)

No. 964**An Act To Authorize The City Of Cheraw In Chesterfield County To Levy An Annual Tax.**

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. City of Cheraw may levy annual tax.—The City Council of the City of Cheraw in Chesterfield County may levy an annual tax of not exceeding seventy-five mills upon the assessed value of all taxable property within its corporate limits.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 4th day of May, 1966.

(R1126, H2520)

No. 965**An Act To Amend Section 65-2251, Code Of Laws Of South Carolina, 1962, Relating To The Appointment Of Tax Collectors For Chester County, So As To Provide That The Governing Body Of The County Shall Recommend Such Appointments Instead Of The Legislative Delegation.**

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 65-2251 amended—tax collectors to be appointed for Chester County.—Section 65-2251, Code of Laws of South Carolina, 1962, is amended by striking “the Senator and at least one member of the House of Representatives” on lines four and five and inserting in lieu thereof “a majority of the governing body”. The section when amended shall read as follows :

“Section 65-2251. There shall be appointed for Chester County one or more discreet persons as tax collectors for the county, who shall be residents thereof. Such appointments shall be made by the Governor upon the recommendation of a majority of the governing body from Chester County. The terms of office of such tax collectors shall be for a period of two years, beginning January first of each even year, and they shall hold office until their successors have been duly appointed and qualified.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 4th day of May, 1966.

(R1128, H2527)

No. 966

An Act Providing For The Fees Of The Clerk Of Court For McCormick County.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Clerk of court fees for McCormick.—The fees and charges of the Clerk of Court for McCormick County shall be as follows, except that if the fee for any service is not set forth in this act, such fee shall be as provided by general law.

A. Real Estate Charges:

(1) Recording real estate deed, including auditor's fee, and including cemetery deeds, as follows: short form, three signers, two dollars and fifty cents; regular form, three signers, three dollars.

(2) Recording real estate mortgage, two dollars and fifty cents.

(3) Recording dowers, corrected probates and affidavits on deeds and mortgages, one dollar and fifty cents each.

(4) Recording release of lien on mortgage or deed, one page, one dollar; extra pages, fifty cents each.

(5) Recording subordination and postponement of lien, one page, one dollar; extra pages, fifty cents each.

(6) Recording assignment of real estate mortgage, one dollar.

(7) Recording satisfaction of real estate mortgage, fifty cents.

(8) Recording bill of sale, two dollars.

(9) Recording plat, photocopy size, two dollars and fifty cents; each additional photocopy size, two dollars and fifty cents.

(10) Recording power of attorney, two dollars, plus fifty cents for State stamps.

(11) Recording charter or amendment to charter, three dollars.

(12) Recording lease, three pages, two dollars; more than three pages, one dollar per additional page.

(13) Recording right of way or easement, two dollars and fifty cents.

(B) Chattel Charges:

(1) Recording chattel mortgage, two pages, one dollar and twenty-five cents; more than two pages, fifty cents per additional page.

(2) Recording chattel mortgage assignment or renewal, one dollar and twenty-five cents.

(3) Recording satisfaction of chattel, twenty-five cents.

(4) Recording lease of personal property, three pages, one dollar and fifty cents.

(5) Recording bill of sale of personal property, one dollar and fifty cents.

(6) Recording assignment of chattel mortgage, one dollar.

(C) Court Charges:

(1) Filing transcript of judgment: magistrate, two dollars and fifty cents; clerk of court, five dollars.

(2) Issuing execution, fifty cents.

(3) Filing lis pendens, three dollars.

(4) Filing mechanics lien, five dollars.

(5) Filing civil actions, seven dollars and fifty cents. This will constitute the entire cost of default judgment. An additional five dollars will be charged in adoptions and divorces. An additional seven dollars and fifty cents will be charged in other cases when enrolled as a judgment if not more than twenty pages. No part of the filing fee shall be returned for any reason.

D. Miscellaneous Charges:

(1) Recording assignment of accounts, one dollar and fifty cents.

(2) Filing tax liens, State or Federal, one dollar and fifty cents.

(3) Filing xerox copies at regular time, twenty-five cents per page.

(4) Filing unusual papers, to be set by clerk of court.

(5) Receiving and paying out money officially, two per cent under three hundred dollars; one per cent over three hundred dollars.

SECTION 2. Time effective.—This act shall take effect July 1, 1966.

Approved the 4th day of May, 1966.

An Act To Provide That Article 1 Of Chapter 8 Of Title 14, Code Of Laws Of South Carolina, 1962, The County Planning Act, Shall Be Applicable To Newberry County, And To Repeal An Act Of 1966, Bearing Ratification No. 947, Which Created The Newberry County Planning And Zoning Commission.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. County Planning Act applicable to Newberry County.—Article 1 of Chapter 8 of Title 14, Code of Laws of South Carolina, 1962, the County Planning Act, shall be applicable to Newberry County and the planning board provided for in Section 14-355 of the 1962 Code shall consist of nine members.

SECTION 2. Act 855 of 1966 repealed.—An Act of 1966 bearing Ratification No. 947 is repealed.

SECTION 3. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 4th day of May, 1966.

(R1130, H2530)

No. 968

An Act To Amend An Act Of 1966 Bearing Ratification No. 970, Which Provides For A System Of County Government For Newberry County, So As To Provide That Certain Appointments, Recommendations And Budgets Be Approved By The House Of Representatives Delegation Instead Of The Legislative Delegation And To Change The Effective Date Thereof.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 2 of Act 872 of 1966 amended—county board—employ administrator—appoint chairman.—Section 2 of an Act of 1966 bearing Ratification No. 970 is amended by striking "Legislative" on line ten and inserting in lieu thereof "House of Representatives". The section when amended shall read as follows:

"Section 2. The County Board of Commissioners of Newberry County (hereinafter called the Board) shall constitute the county board for the government of Newberry County as herein provided. The Board shall employ a county administrator who shall be the administrative officer for the county at such a salary, term and require such bond as determined by the Board. The Board shall not elect one of its members as county administrator; *provided*, that the county supervisor may be used as county administrator in the absence of one so employed. The Board shall appoint, with the approval of the Newberry County House of Representatives Delegation, a member to the Board other than one of the elected members for a term of two years commencing January 1, 1967, who shall act as

chairman of the Board and advisor, *ex officio*. *Provided*, that the first to serve in this capacity shall be Senator J. F. Hawkins, who was elected for a term of four years as Senator from Newberry County but because of reapportionment his term was cut to two years. The Board shall meet at least twice each month."

SECTION 2. Section 3 of Act 872 of 1966 amended—approval of certain appointments.—Section 3 of an Act of 1966 bearing Ratification No. 970 is amended by striking "Legislative" where it appears on lines four and eight and inserting in lieu thereof "House of Representatives". The section when amended shall read as follows:

"Section 3. Any appointments in Newberry County to be made by the Governor upon the recommendation of the Senator shall henceforth be made upon the recommendation of a majority of the Board, with approval of the Newberry County House of Representatives Delegation; and any such appointments now made upon the recommendation of a majority of the Newberry County Legislative Delegation shall henceforth be made upon the recommendation of a majority of the Board, with the consent of the Newberry County House of Representatives Delegation."

SECTION 3. Section 9 of Act 872 of 1966 amended—approval of budget.—Section 9 of an Act of 1966 bearing Ratification No. 970 is amended by striking "Legislative" on line two and inserting in lieu thereof "House of Representatives". The section when amended shall read as follows:

"Section 9. No budget promulgated by the Board shall become effective until approved by the House of Representatives Delegation from Newberry County."

SECTION 4. Section 10 of Act 872 of 1966 amended—time effective.—Section 10 of an Act of 1966 bearing Ratification No. 970 is amended to read as follows:

"Section 10. This act shall take effect January 1, 1967."

SECTION 5. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 4th day of May, 1966.

(R1131, H2533)

No. 969

An Act To Set The Terms Of Court In The Sixteenth Judicial Circuit And To Repeal Item (4) Of Section 15-274 And Item (3) Of Section 15-275, Code Of Laws Of South Carolina, 1962, Relating To The Terms Of Court In York County In The Sixth Judicial Circuit And Union County In The Seventh Judicial Circuit.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Terms of court for Sixteenth Judicial Circuit.—

The courts of the Sixteenth Judicial Circuit shall be held for a term of one week, unless otherwise specified, as hereinafter provided.

(1) Union County—The Court of Common Pleas for Union County shall be held at Union on the second Monday of February for two weeks, on the first Monday of May for two weeks, on the first Monday of September for two weeks, and on the first Monday of December. The Court of General Sessions shall be held at Union the fourth Monday of February, the third Monday of May, the third Monday of September and the second Monday of December.

(2) York County—The Court of Common Pleas for York County shall be held at York the fourth Monday of January, the fifth Monday of January when there is a fifth Monday, the third Monday in March for two weeks, the third Monday in April for two weeks, the first Monday in June for two weeks, the third Monday in July, the first Monday in October for two weeks, the first Monday in November for two weeks, and the fifth Monday in November when there is a fifth Monday. The Court of General Sessions shall be held at York on the first Monday in January for three weeks, the first Monday in February, the first Monday in March for two weeks, the first Monday in April for two weeks, the fourth Monday in May, the third Monday in June for two weeks, the fourth Monday in July, the fourth Monday in September, the fifth Monday in September when there is a fifth Monday, the third Monday in October for two weeks, the third Monday in November for two weeks, and the third Monday in December.

SECTION 2. Repeal.—Item (4) of Section 15-274 and Item (3) of Section 15-275, Code of Laws of South Carolina, 1962, are repealed.

SECTION 3. Time effective.—This act shall take effect January 1, 1967.

Approved the 4th day of May, 1966.

(R1132, H2247)

No. 970

An Act To Amend The Code Of Laws Of South Carolina, 1962, By Adding Section 46-34.1, So As To Provide An Optional Method For Licensing Of Passenger Busses Operated In This State By Companies Operating Fleets Both In Inter And Intra State Commerce.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 46-34.1 added—optional method for licensing certain busses used in inter and intra state commerce.—The Code of Laws of South Carolina, 1962, is amended by adding a new section to be designated Section 46-34.1 as follows:

“Section 46-34.1. In order for inter-city bus companies operating fleets both in inter and intra state commerce in South Carolina to more efficiently dispatch individual busses in such fleets from one state to another, any such inter-city bus company operating a fleet of ten or more busses of thirty or more passenger capacity each may comply with the license requirements of this article by paying an in lieu license fee to the South Carolina State Highway Department. Such fee shall be an amount equivalent to an annual fee of two hundred dollars per bus, with the number of busses or fractions thereof determined by dividing the company's total bus travel mileage in this State in any one license year by forty thousand miles. Such an inter-city bus company shall declare at the beginning of each license year prior to May first respectively of each year the mileage its fleet operated in this State during the preceding calendar year, and shall pay to the highway department a total annual license fee for all such busses computed in accordance with this section. Any bus company licensed pursuant to this section must retain and hold, subject to audit by the highway department, for a period of at least four years all records used in computing the total mileage operated in the State during each calendar year. Bus companies electing to license under this provision shall not be required to display license plates as otherwise required by this article on the busses operated

in South Carolina, but they shall have the option of displaying license plates on busses where such license plates are specifically identified with specific busses."

SECTION 2. Time effective.—This act shall become effective May 1, 1966.

Approved the 6th day of May, 1966.

(R1133, H2302)

No. 971

An Act To Provide For The Conduct Of Elections In This State And To Repeal Chapter 5, Title 23, Code Of Laws Of South Carolina, 1962, Relating To Conduct Of Elections.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1.

ARTICLE 1

WHEN, WHERE AND HOW ELECTIONS HELD

(1) *General Elections for Federal, State and County Officers.*—General elections for Federal, State and county officers in this State shall be held on the first Tuesday following the first Monday in November in each even-numbered year at such voting places as have been or may be established by law. All general or special elections held pursuant to the Constitution of this State shall be regulated and conducted according to the rules, principles and provisions herein prescribed.

COMMENT: This section is the same as former Section 23-302, except that the title is changed to make it more descriptive and the language is changed to refer to "every even-numbered year" rather than "1962 and in every second year thereafter." The result of the language is the same and obviates the need for amendment to the section every ten years as has been customary heretofore.

(2) *When general election for certain other county officers held.*—There shall be a general election for county supervisors, county superintendents of education, sheriffs, coroners and clerks of the courts of common pleas held in each county at every alternate general election, reckoning from the year 1960, except in those counties in which the term of office of any such officers may be for a period

other than four years. In such cases elections to fill such offices shall be held at the general election next preceding the expiration of any such term of office.

COMMENT: No change from Section 23-303.

(3) *Same; exceptions in Berkeley, Cherokee and Hampton Counties.*—The clerk of court in Berkeley and Cherokee Counties, the sheriff and coroner in Berkeley, Cherokee and Hampton Counties and the sheriff in Beaufort and Kershaw Counties shall be elected at every alternate general election, reckoning from the year 1958.

COMMENT: No change from Section 23-304. This section has been held to be constitutional and not special legislation. There have been dissents on this part.

(4) *Election of probate judges.*—The probate judge in every county shall be elected at every alternate general election, reckoning from the year 1958.

COMMENT: No change from Section 23-305.

(5) *Same; exception in Georgetown County.*—Notwithstanding the provisions of (4), such election of the probate judge shall be held in Georgetown County at each alternate general election, reckoning from the year 1960.

COMMENT: Same as Section 23-305.1.

(6) *Primary election nomination of candidates.*—In the event that a party shall nominate candidates by party primary election, a party primary election shall be held by such party on the second Tuesday in June of each general election year and a second and third primary election each two weeks successively thereafter, if necessary. The entries for those wishing to offer for nomination in such party primary for a Statewide, congressional or district office which includes more than one county shall open at noon on the day after the day the State convention convenes and close at noon two weeks thereafter, and the entries for those wishing to offer for nomination in such party primary for State Senator, a countywide or less than countywide office shall open at noon on the day the county convention convenes and close at noon two weeks thereafter. If, after the closing of the time for filing pledges, there be not more than two candidates for any one office and one or more of such candidates dies or withdraws, the State or county committee, as the case may be, may, in its discretion, afford opportunity for the entry

of other candidates for the office involved; *provided*, that for the office of State Senator, the discretion shall be exercised by the State committee.

COMMENT: Same as Section 23-372 as amended by 1966 Act bearing ratification No. 860.

(7) *Second and other primaries*.—A second primary, when necessary, shall be held two weeks after the first and shall be subject to the rules governing the first primary. At such second primary the two candidates receiving the highest number of votes in the first primary alone shall run for any one office, except that if there are two or more vacancies for any particular office the number of candidates shall be double the number of vacancies to be filled. In all second primaries the candidate receiving the largest number of votes cast for a given office shall be declared the nominee for such office whether or not such person shall have received a majority of the votes cast for that office, and when there are several candidates for several different offices, such as candidates for the House of Representatives, then the several candidates receiving the largest number of votes for the several positions shall be considered as nominated for such offices whether they shall have received a majority of the votes cast therefor or not. In the event of a tie between two candidates in the second primary, the county chairman, if it is a primary for a county office wherein the ties shall occur, or the State chairman, if it is a primary for United States Senator or for any State office, congressman or solicitor wherein the tie shall occur, shall order a third primary. Other primaries, if necessary, shall be ordered in like manner by the county chairman or the State chairman, as the case may be.

COMMENT: Same as Section 23-387, with minor editorial change.

(8) *Hours polls open*.—The polls shall be opened at eight o'clock in the forenoon and close at seven o'clock in the afternoon of the day of election and shall be held open during these hours without intermission or adjournment; but the county committee may close any poll or all polls within any county in any primary election at an earlier hour.

COMMENT: Closing time changed from "six" to "seven" to allow more time for voting because of new foreseeable difficulties. Section 23-342.1 and 342.3 have been deleted by Act of the General Assembly (R370, H1441).

(9) *Same; times polls close in Lancaster County.*—For any referendum, primary, general election or special election held in Lancaster County, any voting precinct may remain open as late as eight P. M., if, in the judgment of the managing body of the precinct, it is necessary to permit qualified electors to vote who could not vote during the normal voting hours. But before any poll in any voting precinct shall remain open after the regular closing time, notice shall be given once a week for at least two weeks prior to the election that the polls shall remain open for an additional period of time, which time shall be stated in the notice.

COMMENT: Changed “executive committeeman” to “managing body” to make applicable to election specified.

(10) *Commissioners and managers of elections.*—For the purpose of carrying on general or special elections provided for in (1) the Governor shall, at least thirty days prior to any such election, appoint for each county three commissioners of election upon the recommendation of the Senator and at least half of the members of the House of Representatives from the respective counties. Such commissioners shall continue in office until their successors are appointed and qualified. The commissioners of election shall appoint three managers of election for each polling place at each election precinct of the county for which they shall respectively be appointed, and none of such officers shall be removed from office except for incompetence or misconduct. Three additional managers of election may be appointed for any polling place at which five hundred or more registered electors are entitled to vote. After their appointment the commissioners and managers shall take and subscribe, before any officer authorized to administer oaths, the following oath of office prescribed by Section 26 of Article III of the Constitution:

“I do solemnly swear (or affirm) that I am duly qualified, according to the Constitution of this State, to exercise the duties of the office to which I have been appointed, and that I will, to the best of my ability, discharge the duties thereof, and preserve, protect and defend the Constitution of this State and of the United States. So help me God.”

and it shall be immediately filed in the office of the Clerk of Court of Common Pleas of the county in which such commissioners and managers shall be appointed, or, if there be no such clerk, in the office of the Secretary of State. Before opening the polls, the man-

agers of election shall take and subscribe the oath provided for in (13). Upon the completion of the canvassing of votes, this oath shall be filed with the commissioners of election along with the ballots from that election precinct.

COMMENT: An attempt to provide for additional help to voters and to speed up the voting process has been made by allowing additional managers for each five hundred registered voters.

(11) *Organization of board; clerk.*—The managers may appoint a clerk to assist them in their duties, who shall take the oath of office prescribed by Section 26 of Article III of the Constitution before the chairman of the board of managers. The commissioners and managers at their first meeting, respectively, shall proceed to organize as a board by appointing one of their number chairman of the board. And such chairman, in each instance, may administer oaths.

COMMENT: Same as Section 23-307.

(12) *Managers of primaries.*—The county committee shall meet on or before the second Monday in May of each general election year and appoint the managers for the primaries. Three managers shall be appointed for each voting place, and a clerk or clerks shall also be appointed for such voting places as the various county committees may determine. Three additional managers may be appointed for any polling place at which five hundred or more registered electors are entitled to vote. The names of all managers and clerks shall be published in one or more county newspapers at least two weeks before the election.

COMMENT: Changed as in former section to provide additional assistance.

(13) *Oath of managers.*—The managers before opening the polls, shall take and sign the following oath: "We do solemnly swear that we will conduct this election according to law and will allow no person to vote who is not entitled by law to vote in this election, and we will not unlawfully assist any voter to prepare his ballot and will not advise any voter as to how he should vote at this election."

COMMENT: Same as Section 23-378, except that the language is changed to make the section appropriate to all elections. Note that general election officials must also take the oath provided by (10) in accordance with Section 26 of Article III of the Constitution.

(14) *Managers' table; guard rail; general arrangement.*—The polling places shall be provided with a table for the managers. The polls shall be provided with a guard rail, so that no one except as herein authorized shall approach nearer than five feet to the booths in which the voters are preparing their ballots. The managers at each voting place shall arrange the table, desk or other place upon which the ballot boxes shall be placed so that there shall be no crowding or confusion immediately around the boxes, and suitable means shall be provided to enable each voter to approach the boxes and deposit his ballot without interference or hindrance. The right to vote of each person so entitled and the secrecy of the ballot shall be preserved at all times.

COMMENT: Same as Section 23-344.

(15) *Maintenance of order; police powers of managers.*—Managers of election are clothed with such police powers as may be necessary to carry out the provisions of this article. The managers shall possess full authority to maintain good order at the polls and to enforce obedience to their lawful commands during an election and during the canvass and counting of the votes. All peace officers shall answer all such calls for help in preserving the peace as may be made by the managers of election.

COMMENT: Same as Section 23-360.

(16) *Failure to assist in maintaining order.*—Any person who, when summoned or called upon by peace officers, shall fail or refuse to assist him in maintaining the peace and good order at the polls shall be fined in a sum not to exceed one hundred dollars or imprisoned not to exceed thirty days.

COMMENT: Same as Section 23-361, except that peace officers are allowed to call for assistance. This allows broader enforcement in cities and towns by local police officials.

(17) *Peace officers to enter polling place only on request or to vote.*—No sheriff, deputy sheriff, policeman or other officers shall be allowed to come within the polling place except to vote unless summoned into it by a majority of the managers. On failure of any sheriff, deputy sheriff, policeman or other officer to comply with the provisions of the preceding sentence, the managers of election, or one of them, shall make affidavit against such sheriff, deputy sheriff, policeman or other officer for his arrest.

COMMENT: Same as Section 23-362.

(18) *Procedure when managers fail to attend election.*—In case all of the managers shall fail to attend at the same time and place appointed for holding such poll or shall refuse or fail to act or in case no manager has been appointed for such poll, it shall be lawful for the voters present at the precinct voting place on that day to appoint from among the qualified voters of such precinct or club the managers to act as managers in the place and stead of the absent managers, and any one of the managers so appointed shall administer the oath to the other managers. But if the duly appointed managers attend in a reasonable time, they shall take charge of and conduct the election.

COMMENT: Same as Section 23-343.

SECTION 2.

ARTICLE 2 BALLOTS

A. GENERAL AND SPECIAL ELECTIONS.

(1) *Kinds of general election ballots.*—In the general elections provided for in Section 1 (1) of this act, there shall be four kinds of ballots called, respectively: "Official Ballot for Presidential Electors"; "Official Ballot for State Offices, United States Senator and Members of Congress"; "Official Ballot for State Senator, County, Circuit and Other Offices" and "Official Ballot on Constitutional Amendments or other Propositions Submitted." Each such kind of ballot shall be printed upon different colored paper as shall be provided for by the Secretary of State.

COMMENT: State Senator added—necessary to provide for multi-county senatorial districts under reapportionment plans. "Each such kind of ballot shall be printed upon different colored paper as shall be provided for by the Secretary of State" added to make voting process simpler.

(2) *Ballot standards and specifications.*—General election ballots shall conform to the following standards and specifications:

(A) The ballot shall be printed on paper of such thickness that the printing cannot be distinguished from the back and shall be of such size and color as directed by the Secretary of State. If more than one ballot is to be used in any election, each such ballot shall be printed upon different colored paper;

(B) Across the top of the ballot shall be printed "Official Ballot, General Election," beneath which shall be printed the date of the election, the county and the precinct. Above the caption of each ballot shall be one stub, with a perforated line between the stub and the top of the ballot. The stub shall have printed thereon "Official Ballot, General Election" and then shall appear the name of the county, the precinct and the date of the election. On the right side there shall be a blank line under which there shall be "Initials of Issuing Officer." Stubs on ballots for each precinct shall be pre-numbered consecutively, beginning with No. 1;

(C) The names of candidates offering for any office shall be placed in the appropriate place on the ballot, regard being had to whether it is a State, congressional, legislative, county or other office; and in the case of candidates for presidential and vice-presidential electors, the names of the candidates for President and Vice-President whom they are nominated to vote for in the electoral college may be printed above their names if so requested in the certification or petition under which they are placed on the official ballot; and

(D) The names of the several officers to be voted for and the tickets of the parties shall be placed on the ballots in an order as arranged by the Secretary of State, as to those ballots for which he is responsible for distribution and by the commissioners of election for the respective counties as to the ballots for which they are responsible for distribution, including those for State Senator. *Provided*, if the State Senator or any other officer is to be elected from more than one county the commissioners of election from the various counties from which such State Senator or other officer is to be elected shall assure that there shall be uniformity of placement upon the ballots of their respective counties; *provided*, further, should the commissioners fail to agree on the provisions herein within sixty days prior to the general election, and upon receipt of written certification by at least one commissioner that they have failed to act, the Secretary of State shall determine the order of placing the names on the ballots.

COMMENT: Same as Section 23-309, except that the provisions contained in item (D) have been changed to reflect the responsibility of arranging names on the various ballots.

(3) *Form of ballot; instructions.*—The arrangement of general election ballots containing the names of candidates for office shall conform as nearly as possible to the following plan, with a column or columns added in case of nomination by petition and a blank column added for write-in votes, and shall contain the specified instructions there set forth and no other:

GENERAL ELECTION OFFICIAL BALLOT

No. _____ COUNTY, SOUTH CAROLINA

November _____, 19____

Initials of Issuing OfficerOFFICIAL BALLOT
GENERAL ELECTION

_____ County, South Carolina

November _____, 19____

Precinct _____

INSTRUCTIONS—To vote a straight party ticket, make a cross (X) in the circle (O) under the name of your party. Nothing further need or should be done. To vote a mixed ticket, or in other words for candidates of different parties, omit making a cross (X) mark in the party circle at the top and make a cross (X) mark in the voting square ☐ opposite the name of each candidate on the ballot for whom you wish to vote. If you wish to vote for a candidate not on any ticket, write or place the name of such candidate on your ticket opposite the name of the office. Before leaving the booth, fold the ballot so that the initials of the manager may be seen on the outside.

<i>Names of Office</i>	<i>Name of Party O</i>	<i>Name of Party O</i>	<i>Nomination by Petition O</i>
STATE Governor	Governor <input type="checkbox"/> Name of Candidate	Governor <input type="checkbox"/> Name of Candidate	Governor <input type="checkbox"/> Name of Candidate
Lieutenant Governor	Lieut. Governor <input type="checkbox"/> Name of Candidate	Lieut. Governor <input type="checkbox"/> Name of Candidate	Lieut. Governor <input type="checkbox"/> Name of Candidate
Secretary of State	Sec. of State <input type="checkbox"/> Name of Candidate	Sec. of State <input type="checkbox"/> Name of Candidate	Sec. of State <input type="checkbox"/> Name of Candidate
CONGRES- SIONAL Senator	U. S. Senator <input type="checkbox"/> Name of Candidate	U. S. Senator <input type="checkbox"/> Name of Candidate	U. S. Senator <input type="checkbox"/> Name of Candidate
Representative in Congress	U. S. Repre- sentative <input type="checkbox"/> Name of Candidate	U. S. Repre- sentative <input type="checkbox"/> Name of Candidate	U. S. Repre- sentative <input type="checkbox"/> Name of Candidate
District			

COMMENT: Same as Section 23-310.

(4) *Printing and distribution of ballots.*—All ballots cast in general elections for national, state, county, municipal, district and circuit officers in the towns, counties, districts, circuits, cities and other political divisions shall be printed and distributed at public expense. The printing and distribution of all ballots, other than the county, State Senator, local or circuit ballots herein designated, the ballots for elections in cities and towns and the ballots for election on bonds or other local measures, shall be arranged and handled by the Secretary of State and shall be paid for by the State. The Secretary of State shall have all necessary ballots for elections for presidential electors, State officers, United States Senators and members of Congress printed, and shall deliver such ballots to the various county commissioners of election at least fifteen days prior to the date of the election and the county commissioners of election shall place such ballots in ballot boxes for distribution to the election managers of the various precincts.

The printing and distribution of ballots in all State Senate, county, local and circuit elections shall be arranged and handled by the com-

missioners of election of the several counties and shall be paid for by the respective counties, and the commissioners of election shall place such ballots in ballot boxes for distribution to the election managers of the various precincts. The printing and distribution of ballots in all municipal elections shall be arranged and handled by the municipal authorities conducting such elections and shall be paid for by the municipalities.

The terms "municipal" and "municipalities" as used in this section shall be construed to include school districts, public service districts and like political subdivisions, except to provide for the office of State Senator.

COMMENT: Same as Section 23-311.

(5) *Certified candidates nominated by primary or convention to be placed on ballot.*—The nominees in a party primary or party convention held under the provisions of this Title by any political party, certified as such by the Secretary of State under this Title, for one or more of the offices, national, State or circuit, to be voted on in any general election, shall be placed upon the appropriate official ballot for the election as candidates of such party by the officer, commissioners or other authority charged by law with preparing such ballot if the names of such nominees are certified to such officer, commissioners or other authority, as the case may be at least sixty days prior to the date of the holding of the election. In case of county or municipal elections, the nominees of any party primary or party convention shall be placed upon the appropriate official ballot for the election as candidates for such party by the officers or commissioners charged by law with preparing such ballots, if the names of nominees in municipal elections are certified to such authority at least fifteen days prior to the date of the holding of the election and if the names of nominees in county elections are certified to such authority at least twenty days prior to the date of the holding of the election.

COMMENT: Same as Section 23-312.

(6) *Candidates nominated by petition.*—Other candidates for one or more of such offices shall be placed upon the ballot upon the filing with such officers, commissioners or other authority, as the case may be, not later than the date and time fixed for the closing of primary entries, of a petition or petitions nominating such candidates signed by registered electors as follows: For an office voted for by the registered electors residing in an area less than a county, other than a

city or town having more than ten thousand inhabitants or a municipality having a population of less than one thousand inhabitants, one hundred or more registered electors in such area; for a municipal office voted for by the registered electors residing in a county or in a city or town having more than ten thousand inhabitants, one thousand or more registered electors residing therein; for an office voted for by the registered electors residing in a judicial circuit, or congressional district, a number of registered electors equal to the number of counties in such circuit or district multiplied by five hundred; and for an office voted for by the registered electors residing in the State, ten thousand or more registered electors residing therein. No candidate who may be defeated in a party primary shall be placed on the general election ballot by petition or otherwise. The names of candidates as electors for President and Vice-President of the United States shall be placed upon the ballot if a petition with the necessary number of names is filed at least sixty days prior to the general election.

Within ten days after the receipt of a petition, the original shall be filed with the Secretary of State, the clerks of court of the respective counties or the clerk of a municipality, and the filing shall constitute a public record.

COMMENT: Same as Section 23-313.

(7) *Place on ballot for write-in names.*—The ballots shall also contain a place for the voters to write in the name of any other person for whom they wish to vote.

COMMENT: Same as Section 23-314.

(8) *Death, withdrawal or disqualification of candidate after name printed on ballot.*—If any candidate dies, withdraws or otherwise becomes disqualified after his name has been printed on an official election ballot and if any person is nominated, as authorized by law, to fill such vacancy, the name of the candidate so nominated to fill such vacancy need not be printed upon the ballots, but the name of such candidate so nominated shall be certified by the party executive committee making the nomination to the officer, commissioners or other authority charged with the duty of printing such ballots and a vote cast by a voter for the name of the candidate printed on the ballot who has either died, withdrawn or otherwise become disqualified shall be counted as a vote for the candidate subsequently nomi-

nated to fill such vacancy whose name is on file with such officer, commissioners, or other authority.

COMMENT: Same as Section 23-315.

(9) *Same; reprinting ballots optional, if feasible.*—After the official ballots have been printed by the proper officer, commissioners or other authority, the death or withdrawal of a candidate whose name is printed on the official ballot shall not require such officer, commissioners or other authority to reprint the official ballots, but the officer, commissioners or other authority having jurisdiction over the printing and distribution of the ballots concerned may cause such ballots to be reprinted and be substituted in all respects for the first printed ballots if such substitution is deemed feasible and advisable.

COMMENT: Same as Section 23-316.

(10) *Limitations on withdrawal of candidacy.*—After the proper officer, commissioners or other authority has been notified of the nomination, as hereinbefore specified, of any candidate for office, he shall not withdraw such nomination unless upon the written request of the candidate so nominated made at least thirty days before the day of election.

COMMENT: Same as Section 23-317.

(11) *Form of ballot when questions are submitted.*—The form of ballot in an election on the issuance of bonds or in which any other question or issue is submitted to a vote of the people shall be a statement of the question or questions and shall thereafter have the following words:

In favor of the question or issue (as the case may be) ☐

Opposed to the question or issue (as the case may be) ☐

The voter shall be instructed in substance, if he wishes to vote in favor of the proposition to place a check or cross mark in the square after the words first above written and if he wishes to vote against the proposition to place a check or cross mark in the square after the words second above written.

Nothing herein shall be construed to prevent any party from submitting to party members any question or issue.

COMMENT: Same as Section 23-318.

(12) *Placement of constitutional amendments on ballots.*—Whenever at any general election proposed amendments to the Constitution of both statewide and local natures are submitted to the qualified

electors of the State, the State officer charged with the duty of preparing the ballots shall arrange and classify the proposed amendments on such ballots as follows:

At the top of one ballot shall be printed the words "Statewide Constitutional Amendments." Under this heading there shall be placed the various proposed amendments of a statewide nature. At the top of a separate ballot shall be printed the words "Local Constitutional Amendments." Under this heading there shall be printed in alphabetical order the names of the various counties of the State affected by any proposed local amendments and under the name of each county the particular amendment affecting such county, or any particular subdivision thereof, or municipality situated therein, but when any proposed amendment relates to two or more counties such proposed amendment shall be listed under a joint heading combined of the names of such counties. The heading shall be printed in larger type than that used in printing the proposed amendment.

Ballots for the Statewide Constitutional Amendments shall be printed on white paper and ballots for the Local Constitutional Amendments shall be printed on a paper other than white.

COMMENT: Same as act passed in 1965 (R186, S29).

(13) *Posting proposed constitutional amendments at polling place.*—Whenever an amendment to the Constitution of this State shall be voted upon at any election, the commissioners of election of each county in the State shall have such amendment conspicuously posted at each voting precinct in the county upon the day of the election. Such printed amendments shall be furnished to the commissioners of election by the Secretary of State.

COMMENT: Same as Section 23-321.

(14) *Oath of printer of ballots and assistants.*—The printer with whom the Secretary of State, commissioners of election or other authority, as the case may be, shall contract for the printing of official ballots shall, before the work is commenced, take an oath before the Secretary of State or the chairman of the commissioners or other authority, as the case may be, who may administer such oath, to the following effect: "I,, do solemnly swear that I will print (here insert number) ballots according to the instructions of the of; that I will not print or permit to be printed, directly or indirectly, more than the above number; that I will at once destroy all imperfect and perfect impres-

sions other than those required to be delivered to the electoral board; that as soon as said number of ballots is printed I will distribute the type used for such work and that I will not communicate to anyone whomsoever, in any manner whatsoever, the size, style or contents of such ballots."

The above oath shall be reduced to writing and signed by the person taking it and also a similar affidavit shall be required of any employee or other person engaged upon the work or who shall have access to it. Any intentional violation of such oath shall constitute the crime of perjury. Any other violation of the provisions of this section shall be a misdemeanor and punished by a fine of one hundred dollars or imprisonment for thirty days in jail.

Nothing herein contained shall be construed to prohibit the Secretary of State, the commissioners or other authority from publishing or otherwise disclosing the contents, style and size of ballots required to be printed by them which they are respectively authorized and empowered to publish or otherwise disclose.

COMMENT: Same as Section 23-320.

(15) *Number of ballots provided.*—There shall be provided for each voting place where voting machines are not used as many ballots as is equal to one hundred and ten per cent of the registered qualified voters at such voting place. There shall be provided for each voting place where voting machines are used as many ballots as are equal to ten per cent of the registered qualified voters at such voting place.

COMMENT: The added language is to provide for ballots in the event of malfunctioning machines and also to provide ballots for challenged voters.

(16) *Voting machine ballots; arrangement of nominations.*—In every county, city or town providing voting machines, the commissioners of election shall furnish to the managers of election a sufficient number of ballots printed on clear white paper, of such form and size as will fit the ballot frames of the machines, the arrangement of the names of the candidates on such ballots to be prescribed by the commissioners of election. Party nominations shall be arranged on each voting machine either in columns or horizontal rows, as shall nominations by petition, and the captions of the various ballots on such machines shall be so placed as to indicate to the voter what push knob, key lever or other device is to be used or operated in order to vote for the candidate or candidates of his choice.

COMMENT: Same as Section 23-411.

(17) *Use of separate ballots on certain questions.*—The use of voting machines in an election shall not prohibit the use of a separate ballot for constitutional amendments and other public measures.

COMMENT: Reworded for clarification.

B. PRIMARY ELECTIONS

(18) *Ballots.*—The ballots shall contain in print the names of all candidates and shall have a stub at the top perforated so as to be easily detached. On the stub shall be printed "Official Ballot," Club, No. On the right side there shall be a blank line under which shall be printed "Initials of Issuing Officer." The numbers shall run seriatim for each club. The ballots shall be furnished by the State committee for all except county officers, congressmen and circuit solicitors, for which the county committee shall furnish the ballots. One ballot shall contain the names of all persons running for State offices and United States Senator. The other ballot shall contain the names of all persons running for the General Assembly, county offices, congressmen and solicitors.

All ballots furnished by the State committee hereunder shall have marked thereon in plain type, both on the stub and on the ballot proper the words "State Ballot" and all ballots furnished by the county committee hereunder shall have marked hereon in plain type, both on the stub and on the ballot proper the words "County Ballot."

The State ballot shall be printed on yellow paper and the boxes in which it is to be deposited shall be painted the same color. The county ballot shall be printed on plain white paper and the boxes in which it is to be deposited shall be painted white.

COMMENT: Same as Section 23-371.

(19) *Number of ballots provided.*—There shall be provided for each voting place where voting machines are not used as many ballots as is equal to one hundred and ten per cent of the registered qualified voters at such voting place. There shall be provided for each voting place where voting machines are used as many ballots as is equal to ten per cent of the registered qualified voters at such voting place.

COMMENT: See Section 15.

SECTION 3.**ARTICLE 3
VOTING****A. PROVISIONS APPLICABLE TO ALL ELECTIONS**

(1) *Proof of right to vote; signing poll list.*—When any person shall present himself to vote, he shall produce his registration certificate and his name shall be checked on the margin of the page opposite thereto upon the registration books, or copy thereof, furnished by the board of registration hereunder, by one of the managers. The managers shall keep a poll list which shall contain one column headed "Names of Voters." Before any ballot is delivered to a voter, the voter shall first sign his name on the poll list, which shall be furnished to the appropriate election officials by the Secretary of State, at the top of each page of which will be printed the voter's oath appropriate to such election. The signing of the poll list or the marking thereof shall be considered to be an affirmation of such oath by the voter. One of the managers shall then compare the signature on the poll list with the signature on the back of the voter's registration certificate and shall require such other identification of the voter and such proof of his right to vote under this Title as he deems necessary. If the voter is unable to write or if the voter is prevented from signing by physical handicap, he shall sign his name to the poll list by mark with the assistance of one of the managers.

COMMENT: Makes section applicable to all elections.

(2) *Oath of voter.* In the event the oath is not printed at the top of the poll list as provided for in Item (1) of this section, the managers of election shall administer to each person offering to vote an oath that he is qualified to vote at this election, according to the laws and Constitution of this State, and that he has not voted during this election.

COMMENT: Broadens section to include applicable laws in the oath.

(3) *Voting.*—If the managers are reasonably sure that the person is entitled to vote, they shall then deliver a ballot to such person, and thereupon the voter shall immediately go to the booth and mark his ballot preparatory to depositing it in the ballot box. After the voter has marked his ballot, he shall fold it so as to leave the stub remaining attached thereto visible in such position that it can be detached

without unfolding. When the ballot is returned, one of the managers shall detach and retain the stub, and the voter shall then deposit his folded ballot in the box.

COMMENT: Same as Sections 23-323 and 23-381.

(4) *Booths; but one voter to enter at a time, etc.*—There shall be provided at each polling precinct at least one booth. At least one booth shall be provided for each two hundred and fifty registered electors or a major fraction thereof of the precinct. The booths shall be made of wood, sheet metal or any other suitable substance, shall not be less than thirty-two inches wide, thirty-two inches deep and six feet six inches high, shall be provided with a curtain hanging from the top in front to within three feet of the floor and shall have a suitable shelf on which the voter can prepare his ballot. In general and special elections the booths shall be provided by the commissioners of election or other electoral board; in primaries by the county committee. But one voter shall be allowed to enter any booth at a time, and no one except as provided herein shall be allowed to speak to a voter while in the booth preparing his ballot.

COMMENT: Same as Section 23-348 with change to conform to later section.

(5) *Voter not to take more than five minutes in booth; talking in booth, etc.*—No voter, while receiving, preparing and casting his ballot, shall occupy a booth or compartment for a longer time than five minutes. No voter shall be allowed to occupy a booth or compartment already occupied by another, nor to speak or converse with anyone, except as herein provided, while in the booth. After having voted, or declined or failed to vote within five minutes, the voter shall immediately withdraw from the voting place and shall not enter the polling place again during the election.

COMMENT: Same as Section 23-349.

(6) *Unauthorized persons not allowed within guard rail; assistance.*—No person other than a voter preparing his ballot shall be allowed within the guard rail, except as herein provided. A voter who is unable to sign the poll list himself in the manner required by this Title may appeal to the managers for assistance in voting, and the chairman of the managers shall appoint one of the managers and a bystander, who must be an elector of that precinct, to be designated by the voter to assist him in preparing his ballot. After the voter's

ballot has been prepared, the bystander so appointed shall immediately leave the vicinity of the guard rail.

COMMENT: Same as Section 23-350 with an amendment to require any assisting bystander to be an elector of the precinct.

(7) *What voters to receive assistance.*—Only those persons who are unable to read or write or who are physically unable or incapacitated from preparing a ballot or voting shall be entitled to receive assistance of any kind in voting.

COMMENT: Altered to provide an affirmative statement of who may receive assistance in voting. Also, the section has been broadened to provide assistance for all persons unable to read or write.

(8) *Substitute for marred or defaced ballot.*—If a voter shall mar or deface his ballot, he may obtain one additional ballot upon returning to the managers in charge of the ballots the ballot so marred or defaced with the stub attached. The manager in charge of the poll list shall change the number of the ballot on the poll list and place the marred or defaced ballot in a file. No voter shall be given a second ballot until he has returned the first one with the stub attached.

COMMENT: Same as Section 23-352.

(9) *Write-ins to be in handwriting of voter or authorized manager.*—In casting a write-in ballot, the voter shall cast it in his own handwriting or in the handwriting of a duly authorized manager who is aiding the voter in casting his ballot when assistance is authorized by this Title.

COMMENT: Same as Section 23-324.

(10) *Prevention of illegal voting or taking too much time.*—The managers of election shall prevent any person from voting when they have good reason to believe such person has already voted. They shall refuse to allow any person to vote who is not a registered elector or who has become disqualified for any cause to vote in such voting precinct. They may also prevent any voter from consuming more than five minutes in voting, but no manager shall examine, read or handle the ballot being voted or about to be voted by a voter or interfere in any way with the voting of any voter otherwise than as is herein provided. Any elector or qualified watcher may, and it shall be the duty of the managers of the election to, challenge the vote of any person who may be known or suspected not to be a qualified voter; *provided*, however, that such challenges by persons other than a

manager shall be addressed to the manager and not directly to the voter. The manager shall then present such challenge to the voter and act in accordance with the provisions hereinafter made.

COMMENT: Same as Section 23-353, except language is added to clarify the manner of presenting challenges.

(11) *Procedure when vote challenged.*—When any person is so challenged the managers shall explain to him the qualifications of an elector and may examine his as to the same; and if the person insists that he is qualified and the challenge is not withdrawn his vote shall be received and placed in an envelope on which shall be written the name of the voter and that of the challenger. The challenged votes shall be kept separate and apart and not counted, but turned over to the commissioners of election or the county committee having supervision of the election. At its first meeting thereafter this authority shall hear all objections to such votes and when no person appears to sustain an objection made at the polls the ballot shall be removed from the envelope and mingled with the regular ballots and counted. When the challenger appears, or produces witnesses in support of the challenge, the committee in charge shall proceed to hear and determine the question. Its decision shall be final. *Provided*, however, that if the voting at the voting place is being done upon voting machine, the managers shall provide a paper ballot which shall be placed in an envelope and treated as herein provided.

COMMENT: (1) Editorial change.

(2) Provides some method for treatment of challenged votes where voting is done by machine.

(12) *Ballot boxes.*—There shall be provided for each voting place a sufficient number of boxes to meet the anticipated requirements. In general and special elections they shall be provided by the commissioners of election or other electoral board; in primaries by the county committee. There shall always be provided at least one box for each kind of ballot used. An opening shall be made in the lid of each box not larger than sufficient for a single ballot to be inserted therein at one time, through which the ballot shall be inserted by the person voting and by no other. Each box shall be provided with a sufficient lock and shall be publicly opened and inspected, to show that it is empty and secure, and locked just before the opening of the poll. The keys shall be returned to the managers and the box shall not be opened during the election. Each box shall be labeled in plain and

distinct roman letters with the office or officers voted for and shall be painted in a color corresponding to the proper ballot to be placed therein, or have sample ballots conspicuously affixed to the box in which like ballots are to be deposited, and the managers, on the demand of the voter, shall be required to read to him the names of the boxes. The ballot boxes shall be so located as to be in view of the persons outside of the rail at the polling place during the time of the voting.

COMMENT: Same as Section 23-354 except that language is added to provide for each box to be appropriately colored matching the ballot to be placed therein, or for a sample ballot affixed thereto. This should assist handling of ballots by illiterate persons.

(13) *Closing polls; voters waiting may vote.*—At the time for closing the polls the chairman of the managers shall announce that the polls are closed, but any voters who are in the process of voting or are present waiting to vote shall be allowed to vote before the polls close.

COMMENT: Rewording of Section 23-355.

(14) *Watchers.*—Each candidate who is not unopposed in the primary and each candidate in a general election may appoint a watcher for any voting place that he may desire. *Provided*, however, that in any general or special election, all candidates who are certified by a political party shall be jointly represented at each polling place that they may desire by not more than two watchers from such party for each one thousand registered voters or fraction thereof registered at such polling place. Every watcher appointed hereunder must be a qualified voter in the county where he is to watch, and must be certified to the managers of the voting precinct to which assigned, in writing, signed by the candidate or by an appropriate party official as having been designated to so act. Such watchers shall, at all times, wear appropriate, visible identification specifying the candidate or party which they represent. No such watcher shall conduct himself in a manner that will interfere in the orderly conduct of the election or influence any voter in the casting of his ballot.

COMMENT: This section has been considerably broadened to specify qualification, etc., for watchers. The section is otherwise the same as Section 23-345.

PROVISIONS APPLICABLE TO PRIMARY ELECTIONS ONLY

(15) *Additional oath of voters.*—The managers at each box shall require every voter to take the following additional oath and pledge: "I do solemnly swear or affirm that I am duly qualified to vote at this primary election and in this club, and that I have not voted before at this primary election or in any other party's primary election, convention, or precinct meeting held this year."

COMMENT: Same as Section 23-379.

(16) *Notice of candidacy and pledge.*—Every candidate for selection as the nominee of any political party for any State office, United States Senator, member of Congress or solicitor, to be voted for in any party primary election, shall file with and place in the possession of the treasurer of the State committee by twelve o'clock noon on the third Thursday following the State convention a notice or pledge in the following form, the blanks being properly filled in and the notice or pledge signed by the candidate: "I hereby file my notice as a candidate for the nomination as _____ in the primary election to be held on _____. I affiliate with the _____ Party, and I hereby pledge myself to abide by the results of said primary and to support in the next general election all candidates nominated in said primary and I authorize the issuance of an injunction upon ex parte application by the party chairman, as provided by law, should I violate this pledge by offering or campaigning for election to this office in the ensuing general election."

Every candidate for selection in a primary election as the nominee of any political party for member of the House of Representatives and all county and township offices shall file with and place in the possession of the county chairman or such other officer as may be named by the county committee of the county in which they reside by twelve o'clock noon on the third Tuesday following the county convention a like notice and pledge.

The notice of candidacy required by this section to be filed by a candidate in a primary must be signed personally by the candidate, and such signature of the candidate must be signed in the presence of the county chairman or such other officer as may be named by the county committee with whom such candidate is filing, or a candidate must have his signature on the notice of the candidacy acknowledged and

certified by any officer authorized to administer an oath. Any notice of candidacy of any candidate signed by an agent in behalf of a candidate shall not be valid.

In the event that a person who was defeated as a candidate for nomination to an office in a party's primary election shall thereafter offer or campaign as a candidate against any nominee for election to any office in the ensuing general election, the State Chairman of the party which held such primary (if the office involved is one voted for in the general election by the electors of more than one county), or the County Chairman of the party which held such primary (in the case of all other offices), shall forthwith institute an action in a court of competent jurisdiction for an order enjoining such person from so offering or campaigning in the general election, and the court is hereby empowered upon proof of such facts to issue such order.

COMMENT: Same as Section 23-373 as amended by 1966 Act bearing Ratification No. 860.

(17) *Notice of candidacy and pledge for State Senator.*—Every candidate for selection in a primary election as the nominee of a political party for the office of State Senator shall file with and place in the possession of the county chairman of the county in which he resides, or such other officer as may be named by the county committee of the county in which he resides, at the same time as those wishing to offer for nomination in such primary for countywide or less than countywide office, a notice or pledge as required by (16) of Article 3.

COMMENT: This section is necessary to provide for the office of State Senator which is no longer a county office.

(18) *Assessments payable by candidates.*—The amounts of assessments to be paid by candidates at the time of the filing of the notice of candidacy shall be fixed as to each office by the State or county committee, as the case may be, with whom the notice and pledge has to be filed hereunder for such office.

COMMENT: Same as Section 23-374 as amended by 1966 Act bearing Ratification No. 860.

(19) *Assessments for State Senator; multi-county districts.*—In multi-county senatorial districts, the amounts of assessments to be paid by candidates for the office of State Senator at the time and place of filing notwithstanding the provisions of (18) of Article 3,

shall be fixed by a majority of the county chairmen of the counties in the respective districts and shall be prorated among the county committees of the counties comprising the district in proportion to the number of precincts in each county. *Provided*, if such chairmen of any district fail to reach agreement within three days after the opening for entries the state executive committee shall fix the fee. *Provided*, further, that in 1966 only the chairmen shall have seven days in which to reach such agreement.

COMMENT: This provision is necessary to provide for the fixing of assessments in multi-county districts for the office of State Senator and for the division of such assessments among counties in the various districts.

(20) *Unopposed candidates*.—After the closing of entries if any candidates shall be unopposed, the State committee in the case of State offices and the county committees in the case of county offices shall declare such unopposed candidates as party nominees, and the names of unopposed candidates shall not be placed upon the primary election ballots but shall be certified for the general election ballots.

COMMENT: Same as Section 23-375.

(21) *Absentee voting not permitted in primaries; exceptions*.—Absentee enrollment and absentee voting may not be provided for by party rules or permitted in any primary election, except as provided in Section 23-385 or in chapter 7 of this Title.

COMMENT: Same as Section 23-384.

(22) *Voting by National Guard when on duty*.—In case the National Guard of South Carolina is called to active duty, is mobilized or is participating in field training, the State committee shall provide for the voting of all members of the National Guard qualified to vote, whether such members are within the State or elsewhere.

COMMENT: Same as Section 23-385.

(23) *No one to vote in more than one primary on same day*.—No person shall be entitled to vote in more than one party primary election held the same day.

COMMENT: Same as Section 23-382.

SECTION 4.

ARTICLE 4

CANVASSING AND COUNTING OF BALLOTS

(1) *County ballots and declaration of result.*—At the close of the election the managers and clerk shall immediately proceed publicly to open the ballot boxes and count the ballots therein and shall continue such count, without adjournment or interruption, until it is completed. They shall then make and sign such statement of the result thereof as the nature of the election shall require.

COMMENT: Same as Section 23-356.

(2) *Ballot improperly marked.*—If a voter marks more or less names than there are persons to be elected or nominated to an office or if for any reason it is impossible to determine the voter's choice for any office to be filled, his ballot shall not be counted for such office; but this shall not vitiate the ballot, so far as properly marked. Nothing herein shall be construed to prevent any voter in a general or special election from voting for any qualified person, other than those whose names are printed on the ballot, by writing in the name of the person opposite the office.

COMMENT: Same as Section 23-357.

(3) *Certain other ballots not counted.*—If ballots shall be found on opening the box, upon which shall appear the name of an office or the name of a person in connection with an office other than that for which the box in which such ballot is found shall be designated and labeled, these ballots shall be counted, if in counting the ballots for that office the number of ballots does not exceed the number of names on the poll list. If the number of names on the poll list is exceeded by counting all of the ballots, then none of the ballots for that office found in the incorrect box shall be counted. If, in counting, two or more like ballots shall be found folded together compactly, one shall be counted. The other shall be destroyed. But if they bear different names, all shall be destroyed and none counted.

COMMENT: Same as Act R252, H. 1023, adopted in 1965.

(4) *Procedure when too many ballots found in box.*—If more ballots shall be found on opening the box than there are names on the poll list, all the ballots shall be returned to the box and thoroughly mixed together, and one of the managers or the clerk shall, without seeing the ballots, draw therefrom and immediately destroy as many

ballots as there are in excess of the number of names on the poll list. But if the ballots found in the box exceed the number of names on the poll list by twenty-five votes or ten per cent of the votes cast, whichever is the lesser, the ballots shall not be counted, but a new primary or election may be ordered for the particular polling place involved.

COMMENT: Same as Section 23-359.

(5) *Accounting for ballots, etc., after election; statement of result.*—When the canvassing and counting of the votes are completed, the chairman of the managers, or one of them to be designated in writing by the managers, shall deliver to the commissioners of election the poll list, the boxes containing the ballots and a written return of the result of the election in the voting precinct. Managers shall account to the commissioners of election of the county for all ballots delivered to them and make the following returns, (a) the number of official ballots furnished to each voting precinct, (b) the number of official ballots spoiled and returned by voters, (c) the number of official ballots returned to the commissioners of election and (d) the number of official ballots actually voted.

The commissioners of election shall keep in possession all unused ballots, as well as those that have been spoiled, until the time for contesting the election has expired. Any ballot that has been lost must be accounted for by a certificate from the chairman of the managers of the particular precinct covering the circumstances.

COMMENT: Same as Section 23-325. Section 23-386 is deleted to avoid duplication. The last paragraph has been changed so as to eliminate the requirement of forwarding ballots to the Secretary of State and requiring the commissioners of election to retain possession of the ballots until the period of contest has expired.

(6) *Reporting of election results.*—Within twenty-four hours of the completion of the canvassing and counting of ballots, the persons in charge of each such election in each county shall notify the Secretary of State of the unofficial results of such election in each such county; *provided*, however, that failure to comply with the provisions of this section shall not invalidate the votes cast therein.

COMMENT: Requested by the Secretary of State to enable some orderly collection of unofficial election results by the Secretary of State.

(7) *When Governor to order new election.*—Whenever any election official or officials of any political subdivision of this State charged with ordering, providing for or holding an election has or have neglected, failed or refused to order, provide for or hold such election at the time appointed therefor, or in the event such election shall result in a tie vote leaving the matter at issue undecided or shall for any reason be declared void by competent authority, and any of these facts shall be made to appear to the satisfaction of the Governor, he shall, should the law not otherwise provide for such a contingency, order an election or a new election to be held at such time and place or places, and upon such notice being given as to him may seem adequate to insure the will of the electorate being fairly expressed. To that end he may designate the existing election official or officials or such other person or persons as he may appoint to perform the necessary official duties pertaining to such election and to declare the result thereof.

COMMENT: Same as Section 23-326.

SECTION 5. (a) Each candidate for the office of State Senator in three and four county districts to which are assigned two Senate offices, regardless of political party affiliation, shall file his intention of candidacy with the Secretary of State, on such form as shall be provided by the Secretary, within the same period of time for filing as provided for such office in Section 1 (6) of this act. All such candidates who are residents of the same county must file for the same numbered office and the first to file from each county shall make the designation.

The name of any candidate who fails to comply with the provisions of this section shall not be placed on any election ballot, notwithstanding any other provision of law to the contrary.

The filing required in this section shall be in addition to any other filing required by law.

(b) Appropriate forms for the use of candidates referred to in subsection (a) shall be supplied in duplicate by the Secretary of State. Such forms shall contain space for the following information to be furnished thereon: Name of candidate; county of residence; senatorial district number; Senate office number for which a candidate; political party of candidate; whether or not nominated at time of filing; and method of nomination, convention or primary.

After completion of the form in duplicate, the Secretary of State shall acknowledge on the duplicate that the candidate has duly filed

his intention of candidacy. The duplicate shall then be given to the candidate.

(c) Within five days after the time for filing has expired, the Secretary of State shall certify the list of candidates referred to in subsection (a) to the State committee of the respective political parties of the candidates.

SECTION 6. The comments following the various provisions of this act shall not be considered as parts thereof.

SECTION 7. Nothing in this act shall be construed as repealing any part of an Act of 1966 bearing Ratification No. 860.

SECTION 8. The provisions of Sections 1 through 5 of this act shall be considered as part of Title 23 of the 1962 Code.

SECTION 9. Chapter 5, Title 23 of the 1962 Code is repealed.

SECTION 10. This act shall take effect upon approval by the Governor.

Approved the 6th day of May, 1966.

(R1134, H2443)

No. 972

An Act Providing For Sentences The Recorder Of The City Of Greenville May Impose.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Sentencing by Recorder of City of Greenville.—When any person is convicted or pleads guilty to any offense in the Recorder's Court of the City of Greenville, the judge may sentence him to pay a fine not exceeding two hundred dollars, or serve a term not exceeding thirty days in jail, with or without hard labor, in the alternative. The judge may suspend any sentence imposed by him upon such terms as in his discretion may seem fit and proper.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 4th day of May, 1966.

(R1135, H2455)

No. 973

An Act To Authorize School Districts In Lexington County To Purchase Insurance Annuity Contracts For Their Employees.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. School districts in Lexington County may purchase annuity contracts for their employees.—The various school districts of Lexington County are hereby authorized to enter into agreements to pay, at the request of their employees, a part of the incomes of such employees, not to exceed the exclusion allowance provided in Section 403 (b) (2) of the Internal Revenue Code of the United States, for the purchase of annuity contracts from insurers licensed to do business in this State.

SECTION 2. Act not to affect certain laws.—The provisions of this act shall not affect Sections 61-1 (16), 61-62, 61-80, as amended, or Sections 61-226 (1) and 61-235, Code of Laws of South Carolina, 1962.

SECTION 3. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 4th day of May, 1966.

(R1136, H2531)

No. 974

An Act To Create And Maintain A County Board Of Health For Greenville County; To Prescribe Its Duties; To Provide For The Appointment Of Members; To Create A County Health Department; To Prescribe Its Duties; To Provide For The Selection And Duties Of The Directors Of The Department; To Employ Necessary Additional Personnel; To Fix Povisions For The Inclusion Of The City Of Greenville Under Terms Of This Act; To Provide For Salaries And Expenses For The Proper Operation And Maintenance Of The Board And Department; And To Provide For Monthly Meetings Of The County Board Of Health.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Greenville County to have board of health.—Greenville County shall have and maintain a county board of health.

SECTION 2. Members — appointments — terms.—The county board of health shall be composed of five appointees who are residents of the county. The appointed members shall be appointed by the Governor upon the recommendation of a majority of the county legislative delegation. The President of the Greenville Medical Society shall serve as an ex officio member with no vote. Of the initial appointees recommended by the legislative delegation, three shall be appointed for terms of four years each and two shall be appointed for terms of two years each. The terms of the initial appointees, appointed pursuant to this section, shall commence May 1, 1966.

The regular terms of office of members of the board, appointed pursuant to this section or to Section 3 of this act, other than initial appointees, shall be for a period of four years and until their successors have been appointed and qualify. In case of a vacancy occurring for any cause, it shall be filled by appointment as provided for the regular term. No appointed member shall be eligible to succeed himself.

SECTION 3. Membership increased if City of Greenville elects to come under act.—If the City of Greenville elects to come under the provisions of this act, as permitted under Section 16 of this act, the membership of the county board of health shall be increased from six to nine members, the three additional members to be appointed by the Governor upon the recommendation of a majority of the county legislative delegation. The delegation shall select those recommended from among six persons recommended to it by the City Council of the City of Greenville. Of the initial members appointed pursuant to this section, one shall be appointed for a term ending April thirtieth of the second year following his appointment and two shall be appointed for terms ending April thirtieth of the fourth year following their appointment.

SECTION 4. Secretary.—The Director of the Greenville County Health Department shall be secretary of the county board of health and he shall be the custodian of books, papers, instruments or appliances belonging to the board or that may be entrusted to his care. He shall summon the board to monthly meetings, shall attend all meetings of the board, unless otherwise ordered, and shall discharge the duties appertaining to the office of secretary.

SECTION 5. Greenville County to have health department.—There shall be created and maintained in Greenville County a county

health department. This health department shall function and be under the control of the county board of health, by and through the direction and supervision of a medical officer whose official title shall be Director of Greenville County Health Department.

SECTION 6. Director.—The initial director shall be the person serving as the Director of the Greenville County Health Department on the effective date of this act. Each subsequent director shall be selected by the Greenville County Board of Health from a list of at least three qualified doctors to be provided by the State Board of Health, and if for any reason a qualified director is not so selected, the county board of health shall request such additional names of qualified persons as it deems proper. Then if for any reason a qualified director is not so selected, the State Board of Health shall appoint some qualified person meeting the requirements of this act. The director shall be a graduate of an accredited medical college, the holder of a Master's Degree from an accredited school of public health, shall have served at least one year of rotating internship in an acceptable hospital, shall be duly licensed to practice medicine in South Carolina, skilled in hygiene and sanitary science, especially trained and qualified in the practice of preventive medicine, and not over forty-five years of age at the time of his selection. He shall devote his full time to the performance of the duties of his office.

SECTION 7. Additional personnel.—By and with the consent of the Greenville County Board of Health, the Director of the Greenville County Health Department shall name, employ and fix the compensation of such additional personnel as is consistent with the needs of the county. They shall hold office at the pleasure of the county board of health and shall be subject to all the provisions of the merit system of the State Board of Health.

SECTION 8. Powers and duties of board of health.—The Greenville County Board of Health is vested with all rights, powers, duties, privileges and responsibilities that are imposed by law upon local boards of health in incorporated cities and towns and shall have such other powers and duties as are prescribed in this act. In carrying out all such powers, duties, privileges and responsibilities, the county board of health shall control and direct the activities of the Greenville County Health Department through the director of that department as provided for in this act; but the rights, duties, powers, privileges and responsibilities mentioned in this act shall

only refer to such rights, duties, powers, privileges and responsibilities as appertain to the direction, control and supervision of public health and matters pertaining to public health.

SECTION 9. Duties of health department.—The duties of the Greenville County Health Department shall include the control of communicable diseases by all acceptable and approved methods, maternal and child hygiene, preschool and school hygiene, sanitation, including sanitation of all food-vending establishments, hotels, dairies, abattoirs and schools, rabies, rodent and mosquito control, all other duties and activities that are usually carried on by organizations of like authority and such other duties as may be prescribed by the Greenville County Board of Health and the State Board of Health. The county health personnel is especially enjoined to stress the importance of public health in the schools of the county, both as to the sanitation and medical examination of school children to determine their physical condition and, when possible, to have all discovered defects corrected; however, only such services shall be rendered as may be efficiently performed with the personnel employed.

SECTION 10. Collection of garbage and cleaning of streets.—The collection of garbage and cleaning of the streets and vacant lots shall not be part of the duties of the Greenville County Health Department; and this act does not relieve any city or town from any expense which may be incurred in correcting nuisances, maintaining water supplies and sewage disposal plants and other recognized and approved activities for the prevention of disease and the promotion of health.

SECTION 11. Reports by director of health department.—The Director of the Greenville County Health Department shall render all necessary reports to the county board of health and to the State Board of Health, as may be required of him by the county board of health.

SECTION 12. Expenses and appropriations.—The necessary expenses of the operation and maintenance of the Greenville County Board of Health shall be paid from funds made available to it from agencies of the Federal Government, from the State, from appropriations in the annual county appropriation act and from the City of Greenville, should the city elect to come within the provisions of this act, and the county board of health shall have control over the overall budget.

SECTION 13. Pay and supervision of personnel.—The Greenville County Board of Health may enter into an agreement with any municipality in the county with respect to the payment of salaries of personnel whose services are to be rendered within the area of such municipality. All such personnel shall be under the supervision of the county board of health and the county health department. All such personnel shall meet the standards of training and experience necessary for the conduct of their duties and shall within a period of one year qualify under the merit system as established by the State Board of Health.

SECTION 14. Salaries of personnel may be supplemented.—This act shall not be construed to prevent the salaries of any employees of the Greenville County Board of Health or of the county health department from being paid or supplemented by funds from any source other than those mentioned in Sections 12 and 13.

SECTION 15. Not to affect certain boards or commissions.—If any city or town in Greenville County shall have a commission or board in charge of a water supply and sewage disposal plant, nothing in this act shall take away from such commission its rights, duties, powers, privileges and responsibilities.

SECTION 16. Approval of request by City of Greenville to come under act.—Upon written request, filed with the Greenville County Legislative Delegation, by the City Council of the City of Greenville requesting that the city be allowed to come within the provisions of this act, a majority of the legislative delegation may authorize the inclusion of the City of Greenville, as requested by the city council.

SECTION 17. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 4th day of May, 1966.

An Act To Amend Section 27-92, Code Of Laws Of South Carolina, 1962, As Amended By Act No. 805 Of 1962, Relating To The Fee Schedule Of The Clerk Of Court Of Common Pleas And General Sessions For Orangeburg County, So As To Make Further Provisions Therefor.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 27-92 amended—clerk of court fees for Orangeburg County.—Section 27-92, Code of Laws of South Carolina, 1962, as amended by Act No. 805 of 1962, is further amended as follows: on line 5, strike the word “two” and insert in lieu thereof the word “three”; on line 7, strike the word “two” and insert the word “three”; on line 17, strike the words “one dollar” and insert the words “two dollars”; on line 18, strike the word “two” and insert the word “five”, and also on lines 18 and 19, strike “(r) judgment rolls; default; divorce; annulment; adoption; others, minimum three dollars or fifty cents per page;” and insert in lieu thereof “(r) judgment rolls, fifty cents per page, minimum ten dollars;” on line 21, strike the word “two” and insert the word “three”; on line 22, strike the words “one dollar” and insert the words “three dollars”; on line 23, strike the words “and fifty cents” at the beginning of the line; and on line 24, strike the words “one dollar and fifty cents” and insert the words “three dollars”. When so amended, the section shall read as follows:

“Section 27-92. The clerk of court of common pleas and general sessions for Orangeburg County shall receive the fees set forth in this section except that if the fee for any service be not set forth in this section then such fee shall be as otherwise provided by general law: (a) Real estate title, three dollars minimum; (b) real estate title, extra pages over two, fifty cents per page; (c) real estate mortgage, three dollars minimum; (d) real estate mortgage, extra pages over two, fifty cents per page; (e) real estate assignments, fifty cents; (f) separate assignments of real estate mortgage, one dollar; (g) real estate satisfactions—regular, twenty-five cents; (h) real estate satisfactions—long, fifty cents; (i) chattel mortgages, one dollar and twenty-five cents minimum, extra pages over two, fifty cents each per page; (j) chattel mortgages assignment, fifty cents; (k) chattel mortgages satisfactions, twenty-five cents; (l) chattel mortgages satisfactions—long, fifty cents; (m) bills of sale, two dollars; (n) bills of sale, extra pages after one page, fifty cents; (o) charters, one dollar and fifty cents; (p) lis pendens, two dollars; (q) filing civil cases, five dollars; (r) judgment rolls, fifty cents per page, minimum ten dollars; (s) plats, minimum three dollars, five dollars if more than one-half page; (t) releases, one dollar and fifty cents; (u) leases and contracts, minimum three dollars, extra page over two, fifty cents per page; (v) power of attorney, three dollars minimum, fifty cents

per page over one page; (w) mechanic's lien, three dollars; (x) crop liens, one dollar and fifty cents; (y) certified copy work, minimum one dollar, fifty cents per page over two pages; (z) additional pages copy work, fifty cents per page; (aa) registering physicians' licenses, five dollars."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 4th day of May, 1966.

(R1207, H2606)

No. 976

An Act To Amend Sections 14-732 And 14-733, Code Of Laws Of South Carolina, 1962, As Amended, Relating To Purchases By The Purchasing Agent Of Abbeville County, So As To Make Further Provision Therefor.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 14-732 amended—purchasing by Abbeville County.—Section 14-732 of the 1962 Code, as amended by Act 439 of 1965, is further amended so as to make further provision for the purchase of items by the Purchasing Agent of Abbeville County by striking it out in its entirety and inserting in lieu thereof the following:

"Section 14-732. Every six months, or more often if need be, the purchasing agent shall advertise weekly for two weeks in a newspaper of general circulation within Abbeville County and by posting on the courthouse door for all vehicles, implements, equipment and purchases of whatsoever nature and kind for the governing body, sheriff, clerk of court, treasurer, auditor, judge of probate, magistrate, for prison camp, roads and bridges, buildings, heat and fuel, motor oil, machinery, or anything else needed for use in business of the county. Such advertisements shall set forth the articles, approximately the amounts to be purchased and the conditions of sale and delivery. The contracts shall be awarded to the lowest bidder for the period indicated; *provided*, if a county resident's bid is reasonably close to a noncounty bid, the award may be made to the resident. In cases of emergency, the purchasing agent may make county purchases without such advertisement or posting when the cost will not exceed three

hundred dollars. When advertising or posting is not practical as deemed necessary, the purchasing agent may, upon approval by the county governing board, forego such advertising or posting. The purchasing agent may, upon approval by the county governing board, arrange with other officers or employees of the county for emergency purchasing. No bill, account or claim of any kind whatsoever against the county shall be paid for any purchase which is not made in accordance with the provisions of this section.

In the event the purchasing agent is incapacitated or dies, the governing body of the county shall make provisions until such time when the purchasing agent returns to duty or his successor is appointed and qualifies."

SECTION 2. Section 14-733 amended—requisition of supplies.

—Section 14-733 of the 1962 Code, as amended by Act 439 of 1965 is further amended so as to make further provision for the purchase upon bids of items by the Purchasing Agent of Abbeville County by inserting at the beginning of the section "(a)"; by striking the word "fifteen" on line three and inserting the word "ten"; and by adding at the end of the section a new paragraph to read as follows: "(b) The purchasing agent may reserve the right to reject any and all bids." The section when amended shall read as follows:

"Section 14-733. (a) All materials, supplies and equipment shall be requisitioned by each department of the county in writing, by use of forms to be prescribed by the purchasing agent, at least ten days in advance of requirements, except in cases of emergency. Upon receipt of a requisition, the purchasing agent shall expedite the securing of items indicated by the requisition provided such items are in agreement with appropriated funds.

(b) The purchasing agent may reserve the right to reject any and all bids."

SECTION 3. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 10th day of May, 1966.

(R1144, S27)

No. 977

An Act To Amend Sections 23-441, 23-442, 23-449.1, 23-449.2, 23-449.4, 23-449.7, And 23-449.8, Code of Laws of South Carolina, 1962, Relating To Absentee Registration And Voting, So As To Include Certain Students.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 23-441 amended—definitions.—Section 23-441 of the 1962 Code is amended by adding Item 3 to read as follows :

“(3) The term ‘*students*’ means all persons residing outside of the counties of their respective residences, enrolled in an institution of higher learning and who possess a registration certificate under the provisions of Chapter 2 of Title 23; and”

Amend the section further by redesignating the present Item (3) as Item (4). When so amended the section shall read as follows :

“Section 23-441. As used in this chapter :

(1) The term ‘*members of the Armed Forces of the United States*’ means members of the United States Army, the United States Navy, the United States Marine Corps, the United States Air Force, the United States Coast Guard, or any of their respective components;

(2) The term ‘*members of the Merchant Marine of the United States*’ means all officers and men in the employment of the United States maritime service who are engaged on ships registered under the flag of the United States, except those persons employed on ships that are licensed for duty on the Great Lakes or the inland waterways of the United States;

(3) The term ‘*students*’ means all persons residing outside of the counties of their respective residences, enrolled in an institution of higher learning and who possess a registration certificate under the provisions of Chapter 2 of Title 23; and

(4) the term ‘*registration card*’ means the card described in Section 23-443.”

SECTION 2. Section 23-442 amended—persons eligible for absentee voting.—Section 23-442 of the 1962 Code is amended by striking the word “and” at the end of Item 2(c), by deleting the period at the end of Item 2(d) and inserting in lieu thereof the word “and”, and by adding a new Item 2(e) to read as follows :

“(e) Students.”

When so amended the section shall read as follows:

“Section 23-442. (1) Every individual specified in subsection (2) of this section who is absent from the place of his voting residence, but otherwise eligible to register and qualified to vote in any general election in this State, shall be entitled to vote in elections in accordance with the provisions of this chapter.

(2) The following individuals, if otherwise eligible under subsection (1) of this section, shall be entitled to vote in accordance with the provisions of this chapter:

(a) members of the Armed Forces of the United States and their spouses,

(b) members of the Merchant Marine of the United States,

(c) persons serving with the American Red Cross or with the United Service Organizations who are attached to and serving with the Armed Forces of the United States outside of the counties of their respective residences,

(d) members or employees of any department of the United States Government serving overseas, and

(e) Students.”

SECTION 3. Section 23-449.1 amended—request for ballot.—

Section 23-449.1, Code of Laws of South Carolina 1962, is amended by adding after the word “him,” on line two “or any student as defined in Section 23-441”, by adding after “Section 23-442,” on line five “or is a student as defined in Section 23-441,” and by adding after the word “certificate.” on line seven “A student must also furnish a statement by the registrar of the institution that he is currently enrolled.” The section when amended shall read as follows:

“Section 23-449.1. Any person serving in the Armed Forces, and his spouse when residing with him, or any student as defined in Section 23-441 may submit to any registration board of this State, either direct or through the Secretary of State, a request for a ballot along with a sworn statement that he is serving in a capacity as defined in Section 23-442, or is a student as defined in Section 23-441, giving the name and location of his precinct and, if possible, the number of his registration certificate. A student must also furnish a statement by the registrar of the institution that he is currently enrolled. The registration board shall promptly, upon receipt of any such request, verify the facts stated in the sworn statement against the permanent records and, if it is found that the applicant is registered, shall file his request as if it were a registra-

tion card as provided in Section 23-444; *provided*, however, that in the case of students, absentee registration shall not be permitted. If no record of such applicant's registration is found, such board shall immediately forward to such applicant a registration card as provided in Section 23-444. In the case of any such person found to be so registered the board of registration shall insure his receipt of a ballot as provided in this chapter for those receiving registration under the provisions of this chapter."

SECTION 4. Section 23-449.2 amended — county boards to transmit names of registered absentee voters.—Section 23-449.2, Code of Laws of South Carolina, 1962, is amended by adding after "Section 23-446," "and who have requested ballots under the provisions of Section 23-449.1," by adding after the word "service" on line eight the words "or student," and by changing the period at the end to a comma and adding "where applicable". The section when amended shall read as follows:

"Section 23-449.2. Immediately upon the closing of the registration books thirty days before each election the board of registration of each county shall transmit to the commissioners of election of the county or to the county committee for each political party of the county which makes a request therefor a list of the names of the persons who are registered for the particular election in the manner provided in Section 23-446, and who have requested ballots under the provisions of Section 23-449.1, together with their respective service or student, mailing addresses, their respective voting precincts and the numbers of their respective registration cards, where applicable. A student who is properly registered and has requested a ballot shall be considered a registrant for the purposes of all sections and subsections hereafter in this chapter."

SECTION 5. Section 23-449.4 amended—printing on return envelopes.—Section 23-449.4 of the 1962 Code is amended by adding after the word "Service" on line 3 the words "or Student." When so amended the section shall read as follows:

"Section 23-449.4. The return-addressed envelope required by item (4) of Section 23-449.3 to be sent each registrant shall have printed on its face in the upper left hand corner the words 'Service or Student Absentee Ballot for Precinct' and shall be addressed to the 'Commissioners of Election of County, (county seat); South Carolina.'

All blanks on the face of the envelope shall be filled in by the commissioners of election prior to the mailing of the ballot to the registrant. On the back shall appear blanks which the voter shall fill in with his name and address. The envelope shall be of such thickness as to make it impossible to read any of its contents without opening the envelope. When the ballot is for use in a primary election, the return addressed envelope referred to herein and in Section 23-449.3 shall be changed appropriately to insure its return to the proper county committee."

SECTION 6. Section 23-449.7 amended—envelopes to be transmitted to managers of elections—deposit in ballot box—challenges.—Section 23-449.7 of the 1962 Code is amended by adding after the word "Service" on line 12 "-Student." When so amended the section shall read as follows:

"Section 23-449.7. Upon receipt of the envelope containing the ballot or ballots of the registrant and his oath, the commissioners of election shall transmit the envelope, unopened, to the managers of election for the election precinct of the registrant. The managers shall keep the envelope in a safe place, unopened, until the day of election. On the day of the election the managers shall determine from the books of registration the eligibility of the registrant in question to vote, and if he is properly registered for the current election and otherwise qualified, the managers shall, without unfolding or examining his ballot or ballots, deposit each ballot in the appropriate ballot box. One of the managers shall write the registrant's name on the poll list and note thereafter the words 'Absentee Service-Student Voter.' The envelopes in which the ballots are received and the oaths enclosed therein shall be preserved by the managers of election and transmitted to the commissioners of election as a part of their election returns. The managers shall receive from the commissioners, until the hours for closing the polls, all envelopes and ballots of persons voting under the provisions of this chapter. All ballot envelopes received by the commissioners too late for proper delivery to the managers shall be endorsed with the day and hour of receipt and shall be retained by the commissioners until the time for contesting the election shall have expired, at which time they shall be destroyed without examination. When any ballot cast under the provisions of this chapter is challenged, such ballot shall not be deposited in the ballot box but shall be kept, with its envelope,

separate and transmitted by the managers to the commissioners so that its validity may be determined by the commissioners."

SECTION 7. Section 23-449.8 amended—absentee balloting in primary and special elections.—Section 23-449.8 of the 1962 Code is amended by adding after the word "Forces" on line 7 the words "or students." When so amended the section shall read as follows:

"Section 23-449.8. Absentee balloting in primary and special elections shall be in accordance with regulations of the political party or political subdivision conducting any such election. Boards of registration and all other election officials of this State shall cooperate with such authorities to the end that the right to vote may be preserved for all persons, members of or serving with the Armed Forces or students as defined in Sections 23-441 and 23-442."

SECTION 8. Section 23-449.3 amended—ballots to be mailed to absentee students.—Section 23-449.3 of the 1962 Code is amended by adding after the word "address" and before the colon on line 5 thereof the words "and to each absentee student who has requested a ballot at his address as a student."

SECTION 9. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 10th day of May, 1966.

(R1145, S536)

No. 978

An Act To Provide That After A Certain Date Any Provision Of Law Requiring The Approval Of A Majority Of The Legislative Delegation From Anderson County, Including The Senator, Or And Including The Senator, Shall Be Construed As Requiring The Approval Of A Majority Of The Members Of The House Of Representatives From The County And Or Including The Senator.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Approval of Anderson County Legislative Delegation, including the Senator—construction of.—Notwithstanding any other provision of law to the contrary, beginning on the Monday following the general election of 1966, any provision of

law requiring the approval of a majority of the Legislative Delegation from Anderson County, including the Senator, or and the Senator, shall be construed as requiring the approval of a majority of the Members of the House of Representatives from Anderson County, including at least one Senator, or and at least one Senator.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 10th day of May, 1966.

(R1148, S697)

No. 979

An Act To Amend Section 56-993, Code Of Laws Of South Carolina, 1962, Relating To Qualifications Of Practical Nurses, So As To Lower The Minimum Age.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 56-993 amended—qualifications of applicants.—Section 56-993 of the 1962 Code is amended by striking on line three the word “twenty” and inserting in lieu thereof the word “nineteen”. The section when amended shall read as follows:

“Section 56-993. Each applicant for a license to practice as a licensed practical nurse shall submit evidence satisfactory to the Board that he is at least nineteen years of age, is a citizen of the United States or has legally declared his intention of becoming a citizen, is of good moral character, is in good physical and mental health, has successfully completed two years of work in an accredited high school or the equivalent of such work, satisfactory evidence of which shall be furnished to the Board, has successfully completed the course of study in, and holds the certificate of, a school for the training of practical nurses approved by the Board, or has completed a course of study determined by the Board to be the equivalent thereof and has met such other preliminary qualifications requirements as the Board may prescribe.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 10th day of May, 1966.

(R1149, S731)

No. 980

An Act To Amend Item (1) Of Section 15-263, Code Of Laws Of South Carolina, 1962, Relating To The Terms Of Court In The Second Judicial Circuit, So As To Further Provide For The Courts Of General Sessions And Common Pleas Of Aiken County.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Item (1) of Section 15-263 amended—terms of court for Aiken County.—Item (1) of Section 15-263 of the 1962 Code is amended on line two by striking the word “third” and inserting “second” and on line four by striking the word “first” and inserting “fourth”. The item when amended shall read as follows:

“(1) *Aiken County*.—The court of general sessions for Aiken County shall be held at Aiken on the second Monday in January, the first Monday in May and the first Monday in October, each for two weeks. The court of common pleas for the county shall be held at Aiken on the fourth Monday in January for a term of two weeks, on the fourth Monday in February for a term of two weeks, on the second Monday in April for a term of one week, on the third Monday in June for a term of two weeks and on the first Monday in November for a term of three weeks; *provided*, if Thanksgiving Day occurs during the third week of the session, the last week of the term shall be held during the following week.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 10th day of May, 1966.

(R1150, S487)

No. 981

An Act To Amend Act No. 116 Of 1965, Relating To Temporary Borrowing By The State And Its Political Subdivisions, So As To Increase The Amount Of Notes Which May Be Issued.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 6 of Act 116 of 1965 amended—bonds to be obligated prior to issuance of notes.—Section 6 of Act No. 116 of 1965 is amended by deleting “seventy-five per cent of” on lines five and six. The section when amended shall read as follows:

"Section 6. Prior to the issuance of notes pursuant to this act, the governing body of the borrower shall adopt a resolution obligating the borrower to issue and sell, in the manner prescribed by law, bonds of the borrower in a specified amount, and notes of the borrower may be issued pursuant to this act to the extent of not exceeding the amount of bonds so specified.

Provided, however, if any consent or approval shall be necessary prior to the issuance of bonds by the borrower, the borrower must obtain the same consent or approval prior to the issuance of temporary financing as provided herein."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 10th day of May, 1966.

(R1151, S566)

No. 982

An Act To Amend Section 46-196, Code Of Laws Of South Carolina, 1962, As Amended, Establishing A Point System For The Evaluation Of Motor Vehicle Operating Records, So As To Increase The Points For Certain Traffic Violations.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 46-196 amended—point system—schedule of points for violations.—Section 46-196, Code of Laws of South Carolina, 1962, as amended, is further amended by striking the numeral "2" opposite the phrase "Failing to give signal, or giving improper signal for stopping, turning or suddenly decreased speed" and inserting in lieu thereof the numeral "4"; by striking the numeral "2" opposite the phrase "Following too closely" and inserting in lieu thereof the numeral "4"; by striking the numeral "2" opposite the phrase "Operating with improper brakes" and inserting in lieu thereof the numeral "4". When so amended, the section shall read as follows:

"Section 46-196. There is hereby established a point system for the evaluation of the operating record of persons to whom a license to operate motor vehicles has been granted, and for the determination of the continuing qualifications of such persons for the privileges granted by such license to operate motor vehicles. The system shall

have as its basic element a graduated scale of points assigning relative values to the various violations in accordance with the following schedule:

VIOLATION	POINTS
Reckless driving	6
Passing stopped school bus	6
Hit-and-run, property damages only	6
Driving too fast for conditions, or speeding	4
Disobedience of any official traffic control device	4
Disobedience to officer directing traffic	4
Failing to yield right of way	4
Driving on wrong side of road	4
Passing unlawfully	4
Turning unlawfully	4
Driving through or within safety zone	4
Failing to give signal, or giving improper signal for stopping, turning or suddenly decreased speed	4
Shifting lanes without safety precaution	2
Improper dangerous parking	2
Following too closely	4
Failing to dim lights	2
Operating with improper lights	2
Operating with improper brakes	4
Operating a vehicle in unsafe condition	2
Driving in improper lane	2"

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 11th day of May, 1966.

(R1152, S618)

No. 983

An Act To Amend Section 59-617, Code Of Laws Of South Carolina, 1962, Relating To The Terms Of Certain Bonds, So As To Permit Such Bonds To Mature Not More Than Forty Years From The Date Of Issue.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 59-617 amended—bonds—maturity—interest—amount.—Section 59-617 of the 1962 Code is amended by striking on line two the word “twenty” and inserting in lieu thereof the word “forty” so that when amended the section shall read as follows:

“Section 59-617. Such bonds shall be issued serially and the last of them shall mature not more than forty years from the date of issue, to bear a rate of interest not to exceed six per cent per annum payable semiannually at some place in the State or the office of some banking or trust company in the city of New York to be selected by the commissioners. The amount of the bonds to be issued shall be determined by the commissioners of the districts.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 10th day of May, 1966.

(R1155, S737)

No. 984

An Act To Create The Orangeburg-Calhoun Area Technical Education Commission, to Prescribe Its Powers And Duties, And To Provide For Its Financial Support.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Orangeburg-Calhoun Area Technical Education Commission created.—There is hereby created in Orangeburg and Calhoun Counties the Orangeburg-Calhoun Area Technical Education Commission. The commission shall be a body politic and corporate, and shall consist of seven members. Each member shall be appointed by the Governor, upon the recommendation of a majority of the resident members of the legislative delegation of his county, and each member shall be a qualified registered elector of the county he represents. Five members shall be appointed from Orangeburg County for terms of four years and until their successors are appointed and qualify, except that of those first appointed, two shall serve for two years, two shall serve for three years and one shall serve for four years. Two members shall be appointed from Calhoun County for terms of four years and until their successors are appointed and qualify, except that of those first appointed, one shall serve for two years and one shall serve for four years. The length of the initial

terms of the members shall be determined by lot. Any vacancy shall be filled in the manner of the original appointment for the unexpired portion of the term only. As soon as possible after the initial appointments have been made, the commission shall organize by electing one of its members as chairman, one as vice chairman, and one as secretary. A transcript of the record of the initial organization shall be filed with the clerk of court of each county. The terms of the initial appointees shall be extended so that all terms will expire on the first of July of the appropriate year.

SECTION 2. Duties.—The commission shall be responsible for a full and exhaustive study looking to the development and implementation of an adequate vocational and technical training program, which shall include, but not be limited to, the following: a program coordinated with our industrial expansion effort which will provide immediate training for established industries and provide immediate training for particular industries. The commission, in carrying out this program, shall cooperate with all State and Federal agencies designed to further technical education.

SECTION 3. Powers.—When funds are appropriated by the General Assembly, the commission is authorized and empowered to do all things necessary or convenient to promote the objects of the program instituted by Sections 21-701 through 21-703 of the 1962 Code and, without in any way limiting the generality of the foregoing, shall be empowered as follows:

- (1) To adopt and use a corporate seal;
- (2) To adopt such bylaws, rules and regulations for the conduct of business and the expenditure of appropriated funds as it may deem advisable;
- (3) When funds are made available by the General Assembly, to acquire a site within Orangeburg County and to construct and equip thereon appropriate facilities in accordance with the standards and specifications promulgated by the State Advisory Committee established by Section 21-701 of the 1962 Code;
- (4) To acquire by gift, or purchase, or otherwise, all kinds and descriptions of real and personal property;
- (5) To accept gifts, grants, donations, devises and bequests;
- (6) To provide appropriate supervision of the maintenance of any facility established to promote vocational or technical education;

(7) To provide the necessary administrative services required by the State program;

(8) To employ such personnel as may be necessary to enable the commission to fulfill its functions;

(9) To establish, promulgate and enforce reasonable rules and regulations, in conjunction with those promulgated by the State agency, for the operation of its facilities;

(10) To operate its affairs on a fiscal year coinciding with that of the State of South Carolina;

(11) To expend any funds received in any manner, including the proceeds derived from any bonds which may be issued to defray any costs incident to the establishment of adequate facilities for the program, and thereafter to expend such funds as may be appropriated for the operation, maintenance and improvement of the facilities;

(12) To apply for, receive, and expend moneys from all governmental agencies, both State and Federal; and

(13) To exercise all powers contemplated for local agencies by Section 23 of Act 323 of 1961, and all other laws modifying, amending or implementing it.

SECTION 4. Records and audit.—The commission shall at all times keep full and accurate account of its acts and of its receipts and expenditures, and at least once within four months, following the close of its fiscal year, a complete audit of its affairs shall be made by a qualified public accountant. Copies of the audit shall be filed with the clerk of court and the legislative delegation of each county.

SECTION 5. Report.—At last once a year the commission shall make a written report of its activities and file a copy with the legislative delegation of each county.

SECTION 6. Operating expenses.—The operating expenses and building costs shall be divided proportionately between the two counties on a per capita basis.

SECTION 7. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 10th day of May, 1966.

(R1156, H1305)

No. 985

An Act To Amend Section 23-554, Code Of Laws Of South Carolina, 1962, As Amended, Relating To Congressional Districts, So As To Transfer Aiken County From The Second District To The Third District And To Transfer Sumter County From The Second District To The Fifth District, And To Make Provision For Any Person Elected Or Appointed To Any Board, Commission Or Committee From The Second Congressional District.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 23-554 amended—congressional districts designated.—Section 23-554, Code of Laws of South Carolina, 1962, as amended, is further amended by striking in item (2) the word “Aiken,” the comma after “Orangeburg” and inserting “and” between “Orangeburg” and “Richland” and by striking the words “and Sumter”. Amend further by adding in item (3) after the word “Abbeville,” the word “Aiken,”. Amend further by adding in item (5) after the word “Lancaster” the word “Sumter,”. The section when amended shall read as follows:

“Section 23-554. The State is hereby divided into six congressional districts, as follows, to wit:

(1) **FIRST DISTRICT** to be composed of the following counties, to wit: Allendale, Beaufort, Berkeley, Charleston, Clarendon, Colleton, Dorchester, Hampton and Jasper;

(2) **SECOND DISTRICT** to be composed of the following counties, to wit: Bamberg, Barnwell, Calhoun, Lexington, Orangeburg and Richland;

(3) **THIRD DISTRICT** to be composed of the following counties, to wit: Abbeville, Aiken, Anderson, Edgefield, Greenwood, McCormick, Newberry, Oconee, Pickens and Saluda;

(4) **FOURTH DISTRICT** to be composed of the following counties, to wit: Greenville, Laurens and Spartanburg;

(5) **FIFTH DISTRICT** to be composed of the following counties, to wit: Cherokee, Chester, Chesterfield, Fairfield, Kershaw, Lancaster, Sumter, Union and York; and

(6) **SIXTH DISTRICT** to be composed of the following counties, to wit: Darlington, Dillon, Florence, Georgetown, Horry, Marion, Marlboro, Lee and Williamsburg.”

SECTION 2. Act not to affect terms of certain persons.—Notwithstanding the provisions of this act, any person elected or appointed to serve, or serving, as a member of any board, commission or committee to represent the Second Congressional District shall serve, or continue to serve, the term of office for which he was elected or appointed.

SECTION 3. Savings clause.—If any portion of this act shall be held unconstitutional or invalid for any reason the remaining portion thereof shall remain in full force and effect.

SECTION 4. Time effective.—This act shall take effect January 1, 1966.

Approved the 11th day of May, 1966.

(R1157, H1207)

No. 986

An Act To Provide For The Special Licenses For Antique Motor Vehicles And To Establish A Fee Therefor.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Antique motor vehicles defined.—Every motor vehicle as herein defined which is over thirty years old, is owned solely as a collector's item and is used for participation in club activities, exhibits, tours, parades and similar uses, but in no event used for general transportation, may be classified by the South Carolina State Highway Department as an antique motor vehicle.

SECTION 2. Special license plates for.—Upon receipt of an application on a form prescribed by the department, it may issue appropriate designated license plates to owners of antique motor vehicles. Such license plate shall be valid so long as title to such vehicle is vested in the applicant. The fee for the certificate of registration and license plate of any such vehicle shall be ten dollars.

SECTION 3. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 10th day of May, 1966.

(R1158, H2149)

No. 987

An Act To Amend Section 21-412.1, Code of Laws Of South Carolina, 1962, Relating To Alcohol Education Week, So As To Provide That Each Public School Shall Designate A Week For Such Observance.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 21-412.1 amended—alcohol education week to be observed in schools.—Section 21-412.1 of the 1962 Code is amended by striking the first sentence of the section and inserting in lieu thereof the following: "Each public school of the State shall designate one week during the school year for the observance of Alcohol Education Week." and by striking out the second paragraph of the section and inserting in lieu thereof the following:

"The school district superintendent shall each year inform the State Superintendent of Education of the week each public school in his district has designated as Alcohol Education Week and the State Superintendent of Education shall, through the Division of Instruction, provide suitable printed materials and other aids for use in the observance of the week." The section when amended shall read as follows:

"Section 21-412.1. Each public school of the State shall designate one week during the school year for the observance of Alcohol Education Week. During this week, each school district superintendent shall require the school principal or other designated person to have each class from the sixth grade upward instructed for at least thirty minutes on three days concerning the risks and dangers involved in the use of alcoholic beverages. The principal, or such other designated person, shall also have at least one assembly session during the week of not less than forty-five minutes, at which time the subject of the dangerous effect of alcohol shall be presented.

The school district superintendent shall each year inform the State Superintendent of Education of the week each public school in his district has designated as Alcohol Education Week and the State Superintendent of Education shall, through the Division of Instruction, provide suitable printed materials and other aids for use in the observance of the week."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 11th day of May, 1966.

(R1159, H1513)

No. 988

An Act To Regulate The Business Of Lending Money In Amounts Of Seventy-five Hundred Dollars Or Less, As Defined; To Define Such Business And Provide Exemptions; To Require Licensing Of Persons Engaged In Such Business; To Prescribe The Maximum Rates Of Charges Which Licensees Are Permitted To Make On Loans Of Seventy-five Hundred Dollars Or Less; To Provide For The Administration And Enforcement Of This Act; To Authorize The Making Of Examinations And Investigations; To Provide For A Review Of Administrative Acts; To Prescribe Penalties; To Provide For Reasonable Insurance On The Personal Property, Life And Earning Capacity Of The Borrower, And To Authorize The South Carolina Insurance Commission To Determine Rates To Be Charged On Any Accident And Health Insurance Sold In Connection With This Act; And To Repeal Chapter 9, Title 8, Code Of Laws Of South Carolina, 1962, Relating To The Licensing Of Small Loan Companies.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Definitions. When used in this act the terms listed below shall have the following meanings:

(a) "Consumer Finance Company" shall include all persons conducting the business of making advances of cash in amounts of seventy-five hundred dollars or less.

(b) "Board" shall mean the State Board of Bank Control and its duly authorized deputies.

(c) "License" shall mean the privilege certificate issued by the board under the authority of this act to conduct the business regulated by this act.

(d) "Licensee" shall mean a person to whom one or more licenses have been issued.

(e) "Cash Advance" shall mean the amount of cash or its equivalent that the borrower actually receives or is paid out at his direction or on his behalf.

(f) "Amount of the Loan" shall mean the cash advance plus other authorized charges.

(g) "Person" shall mean an individual, partnership, association, corporation and all other legal and commercial entities.

SECTION 2. Scope, Exemption, Evasions and Penalties.

(a) No person shall engage in the business of lending in amounts of seventy-five hundred dollars or less and contract for, exact or receive directly or indirectly, or in connection with any such loan, any charges, whether for interest, compensation, consideration or expense, which in the aggregate are greater than the interest rate permitted by the general usury statute, except as provided in and authorized by this act and without first having obtained a license from the board.

(b) This act does not apply to any person doing business under authority of and as permitted by any law of this State or of the United States relating to banks, savings and loan associations, savings banks, trust companies, insurance companies, credit unions or licensed pawnbrokers; and does not apply to loans made to a corporation.

(c) The provisions of subsection (a) of this section shall apply to any person who seeks to avoid its application by any device, subterfuge or pretense whatsoever.

(d) Any contract of loan, the making or collecting of which violates subsection (a) of this section shall be void and the lender shall have no right to collect, receive or retain any principal, interest or charges whatsoever, except in the case of bona fide error.

(e) Any person and the several members, officers, directors, agents and employees thereof, who shall knowingly or wilfully violate or participate in the violation of any of the provisions of subsection (a) of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not more than one thousand dollars and not less than one hundred dollars, or by imprisonment for not more than six months, or by both such fine and imprisonment in the discretion of the court.

SECTION 3. Application for License.

(a) Application for a license shall be in writing under oath, and in the form prescribed by the board. The application shall contain such information as the board may require, including the names and addresses of the partners, officers, directors or trustees, and such of the principal owners or members as will provide the basis for the investigations and findings contemplated by Section 4 of this act.

At the time of making such application, the applicant shall pay to the board the sum of fifty dollars as a fee for investigating the application and the sum of two hundred dollars, as a license fee for the period ending on the last day of the current calendar year; *provided*, that if the license is granted after June thirtieth in any year, the license fee shall be one hundred dollars.

SECTION 4. Issuance and Denial of License.

(a) Upon the filing of the application and payment of the fees, the board shall investigate the facts concerning the application and the requirements provided for in subsection (b) of this section. The board shall notify the applicant and each licensee having a place of business in the community where the applicant proposes to do business of such application of a day it proposes to consider the application, which shall be not more than twenty days after the date of filing. If any licensee having a place of business in the community or other person files an objection within twenty days after the date of mailing such notice, or if as a result of a preliminary investigation the board has any doubt of the applicant meeting the standards of subsection (b), the board shall set a date and a time for a hearing of such application not less than thirty days nor more than forty-five days from the date of such mailing.

(b) The board shall grant or deny each application for a license which is accompanied by the required fees, within sixty days from the date of mailing said notice, unless extended by written agreement of the applicant and board, if it shall find (1) that the financial responsibility, character, experience, and general fitness of the applicant are such as to command the confidence of the public and to warrant belief that the business will be operated lawfully, honestly, fairly and efficiently within the purposes of this act, which requirements shall be maintained during the period of the license, (2) that the applicant has available liquid assets of not less than twenty-five thousand dollars for operation of such business at the specified location; *provided*, that any licensed person engaged in the business of lending when this act becomes law shall have five years from the effective date of this act to meet this requirement, for the operation of such business at the specified location, and (3) allowing such applicant to engage in business will promote the convenience and advantage of the community in which the licensed office is to be located; thereupon, it shall enter an order granting the application, place on file its findings of fact and forthwith issue a license to the applicant.

However, where the number of licensees in a community is less than two, upon properly qualified applications under clauses (1) and (2) hereof, the board shall issue additional licenses as to bring the number of licenses to two in such community.

(c) If the findings of the board are not favorable, it shall place on file its findings of fact and enter an order denying the application and notifying the applicant of the denial, returning the license fee but retaining the investigation fee.

SECTION 5. License, Contents, Posting, Continuing.

(a) Each license shall state the address at which the business is to be conducted and shall state fully the name of the licensee, and if the licensee is a copartnership or association, the names of the members thereof, and if a corporation, the date and place of its incorporation. Each license shall be kept posted in the licensed place of business and shall not be transferable or assignable.

(b) Each license shall remain in full force and effect until surrendered, revoked, or suspended as hereinafter provided. Each licensee shall, on or before the tenth day of each December, pay to the board the sum of two hundred dollars for each license held by such licensee, as a license fee for the succeeding calendar year.

SECTION 6. More than One Place of Business; Removal.

(a) Not more than one place of business shall be maintained under the same license, but the board may issue more than one license to the same licensee upon compliance with all the provisions of this act governing issuance of a single license; *provided*, however, that no license need be obtained for an accounting record-keeping place of business or other internal place of business control.

(b) No change in the place of business for the making and collecting of loans, made pursuant to this act, of a licensee to a location outside of the original city or town shall be permitted under the same license. When a licensee wishes to change his place of business within a city or town he shall give written notice thereof to the board, accompanied by the license certificate and the board shall engross the address change upon the certificate and return it to the licensee.

SECTION 7. Sale of Loan Contracts by Licensee.

Should a licensee sell his outstanding loan contracts and surrender his license, the board shall issue a license to make loans under this

act at the specific location from which the business sold was conducted to the purchaser of such loan contracts without reference to whether the convenience and advantage of the community will be promoted thereby and without the notice to other licensees as provided by Section 4(a) of this act, if the purchaser shall qualify in all other respects for the issuance of such license.

SECTION 8. Revocation, Suspension, Reinstatement of Licenses.

(a) The board may, if it has reason to believe that grounds for revocation of a license may exist, notify the licensee not less than thirty days before revoking the license and it shall specify in the notice the particulars of the alleged grounds for revocation, and shall offer the licensee proper opportunity to be heard in answer thereto. The reason or reasons for revocation of a license shall be one or more of the following:

(1) The licensee has failed to pay the annual license fee.

(2) The licensee has failed to operate the business of lending for a continuous period of sixty days or more, unless the licensee shall have, prior to a finding by the board that such licensee is inoperative, secured the written approval of the board to suspend business operations for a reasonable additional period.

(3) The licensee, either knowingly or without the exercise of due care to prevent the same, has violated any provisions of this act or any regulation or order lawfully made pursuant to and within the authority of this act.

(b) If the board finds that probable cause for revocation of any license exists and that enforcement of the act requires immediate suspension of such license pending investigation, it may, upon ten days' written notice and a hearing, enter an order prohibiting such licensee from making any loans for a period not exceeding thirty days.

(c) Whenever the board shall revoke or suspend a license issued pursuant to this act, it shall enter an order to that effect and forthwith notify the licensee of the revocation or suspension. Within five days after the entry of such an order it shall place on file its findings of fact and a summary of the evidence supporting them and forthwith deliver a copy to the licensee.

(d) Any licensee may surrender any license by delivering it to the board with written notice of its surrender, but such surrender shall not affect his civil or criminal liability for acts committed prior thereto.

(e) No revocation, suspension or surrender of any license shall impair or affect the obligation of any pre-existing lawful contract between the licensee and any obligor.

(f) The board may reinstate suspended licenses or issue new licenses to a person whose license or licenses have been revoked, if no fact or condition then exists which clearly would have justified the board in refusing originally to issue such license under this act.

SECTION 9. Examinations, Investigation, Injunctions.

(a) At least once each year a duly authorized representative of the board shall visit each place of business of each licensee and thoroughly inspect and examine its affairs, including the loans, transactions, books, papers, annual reports required by Section 10 (b) hereof and records of such licensee so far as they pertain to the business licensed under this act. The actual cost of any examination shall be paid to the board by each licensee so examined, with the exception of the first examination in each licensed year, and the board may maintain an action for such costs in any court of competent jurisdiction.

(b) For the purpose of discovering violations of this act or of securing information lawfully required hereunder, the board or its duly authorized representatives may at any time investigate the business and examine the books, accounts, papers and records used therein of (1) any licensee, (2) any other person engaged in the business described in subsection (a) of Section 2 of this act or participating in such business as principal, agent, broker or otherwise and (3) any person whom the board has reasonable cause to believe is violating or is about to violate any provisions of this act, whether or not such person shall claim to be within the authority or beyond the scope of this act. For the purposes of this section, any person who shall advertise for, solicit or hold himself out as willing to make loan transactions in the amount of or the value of seventy-five hundred dollars or less shall be presumed to be engaged in the business described in subsection (a) of Section 2 of this act.

(c) For the purposes of this section, the board or its duly authorized representatives shall have and be given free access to the offices and places of business, files, safes and vaults of all such persons, and shall have authority to require the attendance of any person and to examine him under oath relative to such loans or such business or to the subject matter of any examination, investigation or hearing.

(d) Whenever the board has reasonable cause to believe that any person is violating or is threatening to, or intends to violate any provisions of this act, it may, in addition to all the actions provided for in this act and without prejudice thereto, enter an order requiring such person to desist or refrain from such violations; and if it deems necessary the board shall apply to a judge of the circuit court to issue an injunction restraining the licensee, in whole or in part, from proceeding, engaging in, or continuing such violation or from doing any act or acts in furtherance thereof. The judge may issue an injunction forthwith, and upon notice and hearing thereon and after a full hearing of the matter, may dissolve or modify the injunction or make it permanent and may make all orders and judgments needful in the matter and may appoint agents or a receiver to take possession of the property and effects of the licensee and settle its affairs subject to such rules and orders as the court shall prescribe from time to time.

SECTION 10. Books and Records; Annual Reports.

(a) Each licensee shall keep and use in his business such full and correct books and accounting records as are in accordance with sound and accepted accounting principles and practices and such books and records, including cards used in the card system, if any, as are in accord with the rules and regulations lawfully made by the board. Each licensee shall preserve such books, accounts and records, including cards used in the card system, if any, for at least two years after making the final entry on any loan recorded thereon. The renewal or refinancing of a loan shall constitute a final entry.

(b) Every licensee shall file in the office of the board, on or before the first day of April, a report for the preceding calendar year. The report shall give information with respect to the financial condition of such licensee, and shall include the name and address of the licensee, balance sheets at the beginning and end of the accounting period, a statement of income and expenses for the period, a reconciliation of surplus with the balance sheets, a schedule of assets used and useful in the consumer finance business in the State, an analysis of charges, size of loans and types of actions undertaken to effect collection and such other relevant information in form and detail as the board may prescribe. Such report shall be made under oath and shall be in the form prescribed by the board which shall make and publish annually an analysis and recapitulation of such reports.

(c) In addition to the report required by the provisions of Section 10 (b), the board may under rules and regulations promulgated by

it under the procedure provided in this act require quarterly and/or semiannual reports from licensees to facilitate the performance of its duties and to effectively regulate the making of loans under this act.

SECTION 11. Rules and Regulations, Copies of Regulations and Orders.

(a) The board shall have the power and authority to make rules and regulations which interpret or explain any section or sections of this act, as it may deem necessary. Such regulations shall be referenced to the section or sections of this act which set forth the legislative standards which they interpret or explain. When promulgated and made, the rules and regulations shall be filed with the Secretary of State and the board shall otherwise comply fully with the provisions of Sections 1-11 through 1-17, Code of Laws of South Carolina, 1962.

(b) On application of any person and payment of the cost thereof, the board shall furnish under its seal and duly signed, a certified copy of any license, regulation or order. Such copy shall be prima facie evidence of the fact of the issuance of such license, regulation or order in any court or proceeding.

SECTION 12. Advertising. No licensee or other person subject to this act shall advertise, display, distribute, broadcast, televise or cause or permit to be advertised, displayed, distributed, broadcast or televised in any manner whatsoever, any false, misleading or deceptive statement or representation with regard to the rates, terms or conditions for loans. The board may require that charges or rates, if stated by a licensee, be stated fully and clearly in such manner as it may deem necessary to prevent misunderstanding thereof by prospective borrowers. The board may permit licensees to refer in their advertising to the fact that their business is under state supervision, subject to conditions imposed by it to prevent an erroneous impression as to the scope or degree of protection provided by this act.

SECTION 13. Other Business; Name.

(a) No licensee shall conduct the business of making loans under this act within any office, room or place of business in which any other business is solicited or engaged in, or in association or conjunction therewith, if the board shall find, after a hearing, that the conduct of such business by the licensee concealed evasions of this

act or of the rules and regulations made hereunder, and shall order such licensee in writing to desist from such conduct.

(b) No licensee shall make any loan provided for by this act under any name other than that stated in the license.

SECTION 14. (a) *Maximum Charges Permitted.*

A licensee under this act may lend any sum of money not exceeding seventy-five hundred dollars, excluding charges, and notwithstanding the fact that the loan may be repayable in substantially equal monthly installments, may contract for and receive finance charges not to exceed :

(1) *On loans with a cash advance not exceeding ninety dollars*, a charge not to exceed two dollars and fifty cents per month if contracted for in writing by the borrower, may be charged in lieu of interest, and such loans may be repaid in weekly payments, with four weeks constituting a month.

(2) *On loans with a cash advance exceeding ninety dollars but not exceeding one thousand dollars*, twenty dollars per one hundred dollars on that portion of the cash advance not exceeding one hundred dollars; eighteen dollars per one hundred dollars on that portion of the cash advance exceeding one hundred dollars but not exceeding three hundred dollars; and nine dollars per one hundred dollars on that portion of the cash advance exceeding three hundred dollars but not exceeding one thousand dollars, when the loan is made payable over a period of one year, and proportionately at those rates over a longer or shorter period of time.

In addition to the finance charges authorized in subparagraphs (1) and (2) of this subsection (a), a licensee under this act may contract for and receive an initial charge in such an amount as may be agreed upon in writing with the borrower, but not to exceed six per cent of the cash advance or seven dollars and fifty cents, whichever is the lesser, for the expenses, including but not limited to any attorney's fees and broker's fees, then or theretofore incurred and the services then or theretofore rendered by the lender incident to the loan or the security therefor, such as investigating the moral and financial standing of the borrower, investigating the security, title and similar investigations and for closing the loan, including any and all expenses incurred or services rendered at the request of the borrower or on his behalf in connection with the loan. Such initial charge shall not be contracted for and received on any renewal loan or other loan made to the same borrower more often than once in a three months period;

provided, however, that upon any loan made to such borrower of a sum in excess of the amount on which such initial charge may have been charged within such three month period, then such initial charge may be contracted for and received on such excess. Such initial charge is a one-time charge, not a per annum charge, and shall not be subject to refund.

(3) *On loans with a cash advance exceeding one thousand dollars but not exceeding seventy-five hundred dollars*, the finance charges authorized in subparagraphs (1) and (2) of this subsection (a) shall not be permitted on any part of the loan. On such loans a licensee under this act may contract for and receive finance charges not to exceed seven dollars per one hundred dollars of the cash advance, when the loan is made payable over a period of one year, and proportionately at that rate over a longer or shorter period.

In addition to the finance charges authorized in subparagraph (3) of this subsection (a), a licensee under this act may contract for and receive an initial charge in such an amount as may be agreed upon in writing with the borrower, but not to exceed five per cent of the cash advance or two hundred dollars, whichever is lesser, for the expenses, including but not limited to any attorney's fees and broker's fees, then or theretofore incurred and the services then or theretofore rendered by the lender incident to the loan or the security therefor, such as investigating the morals and financial standing of the borrower, investigating the security, title and similar investigations and for closing the loan, including any and all expenses incurred or services rendered at the request of the borrower or on his behalf in connection with the loan. Such initial charge shall not be contracted for or received on any renewal loan made to the same borrower more often than once in a twelve-month period; *provided*, however, that upon any loan made to such borrower of a sum in excess of the amount on which such initial charge may have been charged within such twelve-month period, then such initial charge may be contracted for and received on such excess. If a loan is renewed or refinanced after the expiration of the initial twelve-month period, the initial charge may not exceed two per cent of the cash advance. The initial charge is a one-time charge, not a per annum charge, and shall not be subject to refund.

(b) *Payments and Maximum Term of Loan Contract.*

The payments on any loan governed by this act shall be in substantially equal, consecutive, monthly installments and shall be in an amount not less than ten dollars per month, exclusive of finance

charges. The final installment shall mature within the time limits set out below :

Cash advance of \$1000 or less	24½ months
Cash advance of \$1001 to \$1500	36½ months
Cash advance of \$1501 to \$2000	48½ months
Cash advance of \$2001 to \$7500	60½ months

Payment Prior to Maturity.

(c) Any balance to become payable under any loan contract made under the provisions of this act may be repaid in full prior to maturity. When such balance is so repaid before maturity, whether by payment in cash, a new loan, renewal or otherwise, the unearned portion of the charges shall be refunded or credited to the borrower. The amount of the refund or refund credit shall represent at least as great a proportion of the total charges as the sum of the periodical time balances after the date of the prepayment bears to the sum of all periodical time balances under the schedule of payments in the loan contract ; *provided*, that if a loan is renewed or refinanced during the first ninety days of the loan contract period, the refund shall be on a pro-rata basis.

Splitting of Loan.

(d) No licensee shall induce or permit any person, nor any husband and wife, jointly or severally, to become obligated directly or contingently, or both, under more than one contract of loan at the same time, for the purpose of or with the result of obtaining a higher rate of interest or greater charge than would otherwise be permitted by this act.

Delinquent Charge.

(e) In addition to the charges and fees provided for by this act, no further or other amount whatsoever shall be directly or indirectly charged, contracted for, or received, except that a licensee hereunder may, if agreed to in writing, contract for, impose and collect a delinquent charge of five cents per dollar for each full dollar of an installment which is delinquent for five or more days, which charge may be imposed only once on each delinquent installment and provided where a portion of an installment is delinquent, the delinquent charge may be imposed only once on that portion of the installment which is delinquent. However, such restriction shall not apply to the actual fees paid a public official or agency of a State for filing, recording or releasing any instru-

ment securing the loan, or actual and reasonable attorney fees as determined by the court in which suit is filed and court costs incurred in the collection in default, or to the actual and reasonable expenses of repossession, storing and selling of any property pledged as security on any contract in default, or insurance premiums or identifiable charges authorized by this act. If any amount in excess of the charges permitted by this act is charged, contracted for, or received, except as the result of an accidental or bona fide error, the contract of loan shall be void, and the licensee shall have no right to collect or receive any principal, interest, charge or recompense whatsoever; and the licensee and the several members, officers, directors and agents thereof who shall have participated in such violation shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not more than five hundred and not less than two hundred dollars or by imprisonment for not less than thirty days nor more than six months.

Deferment Charge.

(f) If, as of an installment due date, the payment date of all wholly unpaid installments is deferred one or more full months and the maturity of the contract is extended for a corresponding period, the licensee may charge and collect a deferment charge not exceeding 1% per month of the outstanding balance for each month of the deferment period, provided that 2% per month of the outstanding balance for each month of the deferment period may be charged on loans where the original cash advance is \$500.00 or less. The deferment period is that period during which no payment is made or required by reason of such deferment, except that no deferment made pursuant to this subsection shall extend the maturity of any contract made under this act for more than two months during any 12 months period. The deferment charge may be collected at the time of deferment or at any time thereafter. The portion of the charges contracted for under Section 14 (a) and (d) applicable to each deferred balance and installment period following the deferment period shall remain the same as that applicable to such balance and period under the original loan contract. No installment on which a delinquent charge has been collected, or on account of which any partial payment has been made, shall be deferred or included in the computation of the deferment charge. If a loan is prepaid in full during the deferment period, the borrower shall receive, in addition to the refund required under Section 14 (c) hereof, a refund of that por-

tion of the deferment charge applicable to any unexpired full month or months of such deferment period.

Provided, however, no deferment charge for a deferment of a period of one month or less shall exceed ten dollars.

Charges not Deducted in Advance.

(g) Finance charges and initial charges made under this act shall not be paid, deducted, or received in advance, but shall be added to the cash advance.

Loans to Purchase Real Estate Prohibited.

(h) A licensee shall not contract for or receive the charges authorized by this act, on any loan which is directly or indirectly for the purchase price of real estate or an interest therein and which is secured by a purchase money lien or interest therein; *provided*, that this paragraph shall not be construed to prohibit a licensee from taking a non-purchase money lien, whether primary or secondary, on real estate as security for a loan made in compliance with this act, and contracting for or receiving on such loan the charges authorized by this act.

SECTION 15. Disclosure of Terms of Contract, and payment of Loans.

(a) The licensee shall disclose, at the time a loan is made, the following to the obligor on a loan transacted pursuant to this act, (if there are two or more obligors on the loan contract, delivery to one of them shall be sufficient) in a written statement in conspicuous type:

(1) The amount and date of the note or loan contract and of its maturity;

(2) The original principal amount of the loan excluding any charge made under Section 14 of this act;

(3) The original dollar charge for the loan;

(4) A description of the payment schedule;

(5) The right of the obligor to prepay the loan in full prior to maturity, and the fact that such prepayment in full will reduce the charge for the loan;

(6) The nature of the security, if any;

(7) Every deduction from the loan or payment made by the obligor through the licensee for insurance, and a description of the insurance coverage for which each deduction or payment was made;

(8) The name and address of the obligor and of the licensee;

(9) Signature of principal borrower directly beneath amount of cash borrower actually receives.

(b) For each payment in cash made on any loan the licensee shall furnish a full and complete receipt.

(c) Upon payment of any loan in full the licensee shall return to the customer, marked 'paid', the note or other evidence of indebtedness of the loan and the security signed by any obligor and release any mortgage, restore any pledge and cancel and return any note and any assignment given to the licensee.

(d) No licensee shall take any obligation evidencing a loan which does not disclose the amount of the loan, a schedule of the payments, the amount of the finance charges, and amounts disbursed for the account of the borrower, nor shall the licensee take any instrument in which blanks are left to be filled in after execution.

(e) No licensee shall take any chattel mortgage or other lien on household furniture then in possession and use of the obligor unless it is in writing and signed by the obligor, and in case of a married obligor unless given with the consent of the spouse and such consent shall be evidenced by the spouse in the mortgage or other lien by the signing of his or her name thereto. The written consent shall not be required when husband and wife have been living separate and apart for a period of at least five months prior to the making of such mortgage or when such spouse is legally incompetent.

SECTION 16. Insurance.

Subject to the conditions provided in this section and notwithstanding any other provisions of this act, reasonable insurance may be sold to and required of the borrower for insuring personal property securing a loan and for insuring the life and earning capacity of one party obligated on a loan.

Property insurance shall be in an amount not to exceed the reasonable value of the property insured and for the customary term approximating the term of the loan contract. It shall be optional with the borrower to obtain such insurance in an amount greater than the amount of the loan or for a longer term.

Life insurance shall be in an amount not to exceed the approximate amount of the loan and for a term not exceeding the approximate term of the loan contract. Accident and health insurance shall provide periodic benefits which shall not exceed an amount which approximately equals the amount of each periodic installment payment to be made under the loan contract; *provided*, however, that whenever a

loan is discharged, or a new policy or policies of insurance are issued, the life, property and/or accident and health insurance on such prior obligation shall be cancelled and the unearned portion of the insurance premium or premiums, or identifiable charge, shall be refunded to the borrower; *provided*, however, that the method of refunding the premiums on such policies shall be pursuant to the Rule of 78 or the Sum of the Digits Method; the insurance company shall calculate its reserves on such policies in the same manner, or in the case of credit life insurance, in accordance with a mortality table and interest assumption used for ordinary life policies. Notwithstanding this requirement, if the property insurance policy or policies cover the insurable interest of the borrower as well as the lender, such policy or policies may be continued in force at the request of the borrower.

If the coverage provides accident and health benefits, the policy or certificate shall contain a provision that if the insured obligor is disabled, as defined in the policy, for a period of more than three days, benefits shall commence as of the first day of disability, provided that accident and health insurance shall not be allowed on loans with a cash advance of less than one hundred dollars.

All insurance sold or provided pursuant to this section shall bear a reasonable and bona fide relation to the existing hazard or risk of loss and shall be written by an agent or agency licensed in this State in an insurance company authorized to conduct such business in this State. A licensee shall not require the purchasing of insurance from the licensee or any employee, affiliate, or associate of the licensee, as a condition precedent to the making of a loan and shall not decline existing insurance where such insurance is provided by an insurance company authorized to conduct such business in this State.

The licensee shall within thirty days after the loan is made, deliver to the borrower, or if more than one, to one of them, a policy or certificate of insurance covering any insurance procured by or through the licensee or any employee, affiliate or associate of the licensee, which shall set forth the amount of any premium or identifiable charge which the borrower has paid or is obligated to pay, the amount of insurance, the term of insurance, and a complete description of the risks insured. Such policy or certificate may contain a mortgage clause or other appropriate provisions to protect the insurable interest of the licensee.

Notwithstanding any other provision of this act, any gain or advantages in the form of commission, dividend, identifiable charge or otherwise, to the licensee or to any employee, affiliate or associate

of the licensee from such insurance or its sale shall not be deemed to be additional or further interest or charge in connection with such a loan.

Any accident and health or property insurance sold in conjunction with this act shall be written on forms and at rates approved by the South Carolina Insurance Commission pursuant to reasonable rules and regulations adopted by it and having as their purpose the establishment and maintenance of premium rates which are reasonably commensurate with the coverage afforded and which are adequate, not excessive, and not unfairly discriminatory, giving due consideration to past or prospective loss experience within or without this State, to dividends, savings, or unabsorbed premium deposits allowed or returned by insurers to borrowers, to reasonable expense allowances necessary to achieve proper risk distribution and spread, and to all other relevant factors within or without this State. Such rules and regulations may include reasonable classification systems or programs based upon identifiable and measurable variations in the hazards or expense requirements and may include statistical plans, systems or programs, which the insurers may be required to adopt, for the purpose of providing such statistical information and data as may be necessary or reasonably appropriate to the determination of premium rates or rate levels. Such premium rates and rate levels shall be calculated to produce and maintain a ratio of losses incurred, or reasonably expected to be incurred, to premiums earned, or reasonably expected to be earned, of not less than fifty (50%) per cent, and rates producing a lesser loss ratio shall be deemed excessive.

SECTION 17. Power of Attorney; Confession of Judgment.

No licensee shall take any confession of judgment or permit any borrower to execute a power of attorney in favor of any licensee or in favor of any third person to confess judgment or to appear for the borrower in any judicial proceeding and any such confession of judgment or power of attorney to confess judgment shall be absolutely void.

SECTION 18. Judicial Review.

(a) Any order or decision made, issued or executed by the board or its deputies, shall be subject to review by the Circuit Court on petition by any person aggrieved if the petition is filed within thirty days from the date of the delivery of a copy of the order or decision made by the board upon such person. A copy of such petition for review as filed with and certified by the clerk of court shall be served

upon the board within five days after its filing. If the petition for review is not filed within thirty days, the parties aggrieved shall be deemed to have waived the right to have the merits of the order or decision reviewed and there shall be no trial of the merits thereof by any court to which application may be made by petition or otherwise, to enforce or restrain the enforcement of same.

(b) The board shall within thirty days, unless the time is extended by an order of the court, after the service of the copy of the petition for review upon it or its deputy, prepare and file with the clerk of the court a complete transcript of the record of the hearing, if any, and a true copy of the order or decision duly certified. The case shall be heard by the court as a civil case upon such transcript of the record and it shall be the duty of the court to hear and determine the petition with all convenient speed. If, on the hearing before the court, it shall appear that the record filed by the board is incomplete, the court may by appropriate order direct the board to certify any and all parts of the record so omitted.

(c) The court shall have jurisdiction to review the facts and the law and to affirm, modify or to set aside the order or decision of the board and to restrain the enforcement thereof. Appeals from all final orders and judgments entered by the Circuit Court in reviewing the orders and decisions of the board may be taken to the Supreme Court by any party to the action as in other civil cases.

The commencement of proceedings under this section shall not operate as a stay of the board's order or decision unless ordered by the court.

SECTION 19. Disposition of Fees and Other Funds.

All license fees, investigation fees, and other funds collected by the board under the terms of this act, shall be paid over to the State Treasurer and shall be used to defray costs of administering this act, including salaries of assistant examiners and other clerical help found necessary and necessary travel expense and subsistence.

SECTION 20. Personnel.

The board is authorized to designate or appoint a chief administrative officer and such other personnel as it deems necessary to perform the duties and exercise the powers herein conferred. The chief administrative officer and all other personnel shall serve at the pleasure of the board.

SECTION 21. Appointment of Director as Agent for Service of Process.

Every person prior to being licensed under this act shall appoint, in writing, the director and his successors in office to be its true and lawful attorney upon whom all legal process in any action or proceeding against it may be served and in such writing shall agree that any lawful process against it which is served upon such attorney shall be of the same legal force and validity as if served upon the company and that the authority shall continue in force so long as any liability remains outstanding in the State. Copies of such appointment, certified by the director, shall be deemed sufficient evidence thereof and shall be admitted in evidence with the same force and effect as the original thereof might be admitted.

SECTION 22. Foreign Loans.

No loan made outside this State in the amount of or of the value of seventy-five hundred dollars or less for which a greater rate of interest, consideration, or charge than is permitted by Section 14 has been charged, contracted for or received, shall be enforced in this State and every person in any way participating therein in this State shall be subject to the provisions of this act, but this section shall not apply to loans legally made in any state under and in accordance with a regulatory consumer finance law similar in principles to this act.

SECTION 23. Other Persons in the Lending Business.

(a) Any other person, except those set forth in Section 2(b) of this act, engaged in the business of lending which includes any person making more than ten loans per year, whether with or without security, shall, prior to conducting any further business after the effective date of this act, obtain a certificate of registration from the board, which shall be deemed to be effective for a period of one year from the date of issuance, in the form prescribed by the board and shall be subject to the provisions of Section 9(a) (b) (3) (c), 10, and 15 of this act, the purpose and intent being that the regulatory provisions of this act shall apply to any person engaged in the business of lending under any provisions of law relating to usury.

(b) The board may make rules and regulations with respect to the keeping of records and the making of reports by any such person engaged in the lending business.

(c) Whenever the board has reasonable cause to believe that any such person engaged in the lending business is violating or its threat-

ening to, or intends to violate any provisions of law relating to usury, the board may apply to a judge of the Circuit Court to issue an injunction restraining such person from proceeding, engaging in, or continuing such violation, or from doing any act or acts in furtherance thereof.

SECTION 24. MODIFICATION. Amendment or Repeal.

(a) This act or any part thereof may be modified, amended or repealed so as to effect a cancellation or alteration of any license or right of a licensee hereunder; *provided*, that such cancellation or alteration shall not impair or affect the obligations of any pre-existing lawful contract between any licensee and any obligor.

(b) Nothing contained herein shall be so construed as to impair or affect the obligation of any contract of loan between any lender and any borrower which was entered into prior to the effective date of this act.

SECTION 25. Decisions Affect Adjudicated Language Only.

If any provision of this act, or the application of such provision to any person or circumstances, shall be held invalid, the remainder of the act, and the application of such provision to person or circumstances other than those to which it is held invalid shall not be affected thereby.

SECTION 26. Penalty.

Any person who wilfully violates any provision of this act, for which a penalty has not been provided, shall be deemed guilty of a misdemeanor, and shall be fined not more than one thousand dollars nor less than one hundred dollars in the discretion of the court.

SECTION 27.

Any person engaged in the business of lending on December 1, 1965, may be licensed under the provisions of this act; *provided*, he applies for and obtains a license from the Board of Bank Control within ninety days after the effective date of this act; and, *provided*, further, that such person meets the requirements of Section 4(b) (1) (2) of this act.

SECTION 28. Repeal.

Chapter 9 of Title 8, Code of Laws of South Carolina, 1962, and all other acts or parts of acts inconsistent herewith are repealed.

SECTION 29. Time Effective.

This act shall take effect ninety days after approval by the Governor.

Approved the 9th day of May, 1966.

(R1160, H1682)

No. 989

An Act To Amend Sections 56-462, 56-468 And 56-469, Code Of Laws Of South Carolina, 1962, as Amended, And Section 56-472.3, Relating To The Practice and Regulation of Cosmetology, So As To Further Provide Therefor; To Amend Section 11 Of Act No. 332 Of 1963, Relating To Fees For Regulating Shops So As To Further Define Required Professional Personnel; And To Repeal Sections 56-471.1, And 56-480, Code Of Laws Of South Carolina, 1962, Relating To Cosmetology.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 56-462 amended—qualifications for registered junior cosmetologist.—Section 56-462, Code of Laws of South Carolina, 1962, as amended, is further amended by striking it out and inserting in lieu thereof the following :

“Section 56-462. No person shall be issued a certificate of registration as a registered junior cosmetologist by the Board :

(1) Unless such person is at least sixteen years of age and possesses at least a tenth-grade education or the equivalent as established by tests used in the public schools or equivalent as established by psychological examinations determined by a certified psychologist or successfully passes a standardized test given by a vocational rehabilitation counselor ;

(2) Unless such person passes a satisfactory physical examination prescribed by the Board ;

(3) Unless such person has completed at least one thousand five hundred hours in classes in a reliable cosmetic art school or college approved by the Board or has completed the equivalent under the direct supervision of some registered cosmetologist, who shall not make any charge for such supervision ; nor

(4) Unless such person passes the examination prescribed by the Board and pays the required fees herein enumerated.”

SECTION 2. Section 56-468 amended—fees.—Section 56-468, Code of Laws of South Carolina, 1962, as amended, is further amended by striking it out and inserting in lieu thereof the following:

“Section 56-468. The fee to be paid by an applicant for examination to determine his fitness to receive a certificate of registration to practice cosmetic art as a junior cosmetologist shall be three dollars and fifty cents. The fee to be paid by an applicant for examination to determine his fitness to receive a certificate of registration as a registered cosmetologist shall be five dollars. The annual license fee for a registered cosmetologist shall be five dollars, while the annual license fee of a registered junior cosmetologist shall be three dollars. All licenses for junior and registered cosmetologists shall be renewed each year on March tenth. The fees herein set out shall not be increased by the Board but the Board may regulate the payment of such fees. The fee for registration of an expired certificate for a registered cosmetologist shall be ten dollars, and for registration of an expired certificate of a junior cosmetologist shall be six dollars and fifty cents.

The Board shall charge any nonresident cosmetologist who applies to the Board for a license as a registered cosmetologist the sum of fifteen dollars; and shall charge any nonresident who applies for an examination as a junior cosmetologist the sum of ten dollars. These requirements shall be in addition to the regular requirements pertaining to a resident cosmetologist, managing or junior cosmetologist.”

SECTION 3. Section 56-469 amended—issuance of certificates.—Section 56-469, Code of Laws of South Carolina, 1962, as amended, is further amended by striking it out and inserting in lieu thereof the following:

“Section 56-469. Whenever the provisions of this chapter shall have been complied with, the Board shall issue, or cause to be issued, a certificate of registration as registered cosmetologist or registered junior cosmetologist to the applicant, as the case may be.”

SECTION 4. Section 56-472.3 amended — contracts between schools and students.—Section 56-472.3, Code of Laws of South Carolina, 1962, is amended by adding at the end thereof the following: “The contract shall contain the following certified information: The student is at least sixteen years of age or will have attained such age prior to the completion of the course of instruction and possesses at least a tenth grade education, as certified by the principal of the school last attended, or the equivalent thereof as established by tests

used in public schools or the equivalent thereof as established by psychological examinations determined by a certified psychologist." The section when amended shall read as follows:

"Section 56-472.3. The owner or manager of a school shall enter into a written contract with each student before permitting him to attend any classes. The contract shall be made in triplicate. The original shall be retained by the school; the first copy shall be given to the student; and the second copy shall be filed with the Board. The contract shall contain the following certified information: The student is at least sixteen years of age or will have attained such age prior to the completion of the course of instruction and possesses at least a tenth grade education, as certified by the principal of the school last attended, or the equivalent thereof as established by tests used in public schools or the equivalent thereof as established by psychological examinations determined by a certified psychologist."

SECTION 5. Section 11 of Act 332 of 1963 amended—shop registration fee.—Section 11 of Act No. 332 of 1963 is amended by striking it out and inserting in lieu thereof the following:

"Section 11. All shops operating in this State shall register with the Board and pay a shop registration fee of five dollars. Each year thereafter they shall pay a shop license fee of five dollars before the tenth day of March or any other date designated by the Board. Shops commencing operation after the effective date of this act shall pay a shop registration fee of twenty-five dollars. Each year thereafter such license fee shall be the same as is required of other shops. If the shop license is not renewed before the expiration date, the renewal fee shall be ten dollars."

SECTION 6. Sections 56-471.1 and 56-480 repealed.—Sections 56-471.1 and 56-480, Code of Laws of South Carolina, 1962, are repealed.

SECTION 7. Not to affect certain beauty shops.—This act shall not be construed to affect the operation of any beauty shop, licensed on the effective date of this act, located in a private residence insofar as provisions for separate toilet facilities and separate entrances are concerned.

SECTION 8. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 11th day of May, 1966.

(R1162, H2319)

No. 990

An Act To Annex That Area Of Edgefield County Formerly Known As Wimberly Branch School District Of Edgefield County To The School District Of Edgefield County, To Further Define The Powers Of The Board Of Trustees Of The School District Of Edgefield County, And To Validate Certain Action Taken By The Trustees.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Findings of General Assembly.—1. The General Assembly finds that by action taken by the County Board of Education of Edgefield County on the twentieth day of November, 1952 (approved by the State Educational Finance Commission on December 12, 1952), all school districts in Edgefield County were consolidated into a single school district (with boundaries coextensive with Edgefield County) known as The School District of Edgefield County, but that by Acts Nos. 271 of 1953, 946 of 1958 and 709 of 1960, as construed by the Supreme Court of South Carolina in a decision rendered February 7, 1966, in a cause entitled "Boatwright, et al vs. McElmurray, et al," it was adjudicated that the area of Edgefield County, formerly known as Wimberly Branch School District of Edgefield County, was consolidated into a school district comprising all of Aiken County, the former school district known as Ridge Spring School District No. 2 of Saluda County, and the former Wimberly Branch School District of Edgefield County.

2. By legislation in *pari materia* the consolidated school district so comprised has been dissolved. Contemporaneous action to the same effect has been taken by the County Boards of Education of Aiken, Saluda and Edgefield Counties, pursuant to paragraph 2(a) of Section 21-112, Code of Laws of South Carolina, 1962.

3. A decision has been reached that the area in Edgefield County formerly known as Wimberly Branch School District should be annexed to and consolidated with The School District of Edgefield County, so that The School District of Edgefield County as thus consolidated shall be comprised of all territory within Edgefield County.

SECTION 2. School District of Edgefield County to include former Wimberly Branch District.—That area of Edgefield County formerly known as Wimberly Branch School District of Edgefield

County is hereby annexed to and consolidated with The School District of Edgefield County, as of April 1, 1966, so that as a consequence of such annexation and consolidation The School District of Edgefield County, as of April 1, 1966, shall be comprised of all territory within Edgefield County.

SECTION 3. School trustees—additional powers.—The public educational system of Edgefield County shall continue to function under the supervision and direction of the board of trustees established by the provisions of Section 21-2552, Code of Laws of South Carolina, 1962, and the trustees shall have, in addition to the powers vested in them by Chapter 36 of Title 21, Code of Laws of South Carolina, 1962, the following powers:

(a) To enter into contractual arrangements with the school authorities of any school district adjacent to The School District of Edgefield County on such terms and under such conditions as shall be mutually agreeable for the interchange of pupils residing within The School District of Edgefield County, and any pupils residing within any school district adjacent to Edgefield County, so that pupils residing in Edgefield County may attend schools of school districts adjacent to The School District of Edgefield County, and pupils residing in school districts adjacent to The School District of Edgefield County may attend schools supported by The School District of Edgefield County and located within The School District of Edgefield County.

(b) To exercise all powers granted to county boards of education pursuant to general law as now constituted or as hereafter enacted, including the powers granted by Article 1 of Chapter 8, Title 21, Code of Laws of South Carolina, 1962.

SECTION 4. Act to be additional.—This act shall be deemed complementary to and not in derogation of any action taken by the County Boards of Education of Aiken, Edgefield and Saluda Counties undertaking the dissolution of the consolidated school district above described, and the action taken by the Board of Trustees of The School District of Edgefield County (acting as the de facto County Board of Education of Edgefield County) in consolidating the area formerly known as Wimberly Branch School District of Edgefield County with the existing School District of Edgefield County, and if this act, or any provision hereof, shall be held invalid, such holding shall not affect any action so taken by the county boards of education above described.

SECTION 5. Certain acts validated.—Any action taken by the Board of Trustees of The School District of Edgefield County, on the assumption that the provisions of Section 21-2554, Code of Laws of South Carolina, 1962, in abolishing the County Board of Education of Edgefield County, conferred upon such board of trustees, ex officio, powers vested in county boards of education by general law, is hereby ratified, validated and confirmed.

SECTION 6. Saving clause.—The provisions of this act are not intended to be mutually dependent upon each other and the invalidity of any provision of this act shall not affect or disturb the remaining provisions.

SECTION 7. Time effective.—This act shall take effect April 1, 1966, or upon its approval by the Governor, whichever shall last occur.

Approved the 10th day of May, 1966.

(R1163, H2355)

No. 991

An Act To Amend Act No. 345 Of The Acts And Joint Resolutions Of The General Assembly Of 1965, Providing A Civil Service System For The City Of Spartanburg, So As To Clarify The Provisions Of The Act Relative To Certain Provisions Regulating The Personnel Of The City.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Act 345 of 1965 amended—Civil Service Commission created for City of Spartanburg.—Act No. 345 of 1965 is amended by striking out Sections 1 through 14 in their entirety and inserting in lieu thereof the following:

“Whereas, a Constitutional Amendment was submitted to the voters at the 1964 General Election for the State of South Carolina, which reads, as follows:

‘An Act to ratify an Amendment to Section 34, Article III, of the Constitution of South Carolina, 1895, relating to the prohibition of special laws, so as to permit the establishment of a Civil Service Commission in the City of Spartanburg.

Be it enacted by the General Assembly of the State of South Carolina:

Section 1. The amendment to Section 34, Article III, of the Joint Resolution No. 1354 of 1964, having been submitted to the qualified electors at the general election in 1964, in the manner prescribed in Section 1 of Article XVI of the Constitution of South Carolina, 1895, and a favorable vote having been received thereon, the amendment is ratified and declared to form a part of the Constitution, so that there will be added at the end of Section 34 of Article III, of the Constitution of South Carolina, 1895, the following: "PROVIDED, there is hereby created a civil service commission in the City of Spartanburg for the benefit of the police department, including its chief, and fire department, including its chief, under such terms and conditions as prescribed by the General Assembly."

In the Senate House the 10th day of February in the Year of Our Lord One Thousand Nine Hundred and Sixty-Five. A majority of the citizens of South Carolina having voted in favor of said Constitutional Amendment,

NOW, THEREFORE, Pursuant to said Constitutional Amendment, BE IT ENACTED:."

SECTION 2. Act No. 345 of 1965 is further amended by striking out Section 1 through Section 14 and inserting in lieu thereof the following:

Section 1. *Be it enacted* by the General Assembly of the State of South Carolina:

There is hereby created in the City of Spartanburg South Carolina, a Civil Service Commission which shall be composed of three persons.

The members of such Commission shall be appointed by the person or group of persons who, acting singly, or in conjunction, as a Mayor, Council, Commission, or otherwise, is vested by law with power and authority and are directed to select, appoint, or employ the chiefs or designated heads of the Fire Department and Police Department, from the personnel of said departments who have served in said department for a period of not less than five (5) years continuously. The members of this Commission shall receive a salary not to exceed Three Hundred and No/100 (\$300.00) Dollars per annum. The term of office of such Commissioners shall be for six (6) years, except that for the first three members of such Commission

shall be appointed for different terms, as follows: One to serve for a period of two years, one to serve for a period of four years, and one to serve for a period of six years. Two members of such Commission shall constitute a quorum.

SECTION 2. Application of act.—The provision of this Act shall apply to all present and future employees of the Fire Department and Police Department of the City of Spartanburg, South Carolina, who have heretofore stood and passed Civil Service Examination under the present, or any previous Civil Service Act, pertaining to the City of Spartanburg, or who may hereafter comply with the terms of this Act, and/or to any employee who has had at least twenty (20) years of service with either of said Departments prior to the enactment of this Act.

SECTION 3. Appointments and promotions—examination required.—All appointments to and promotions in said department shall be left to the discretion of the City Council, City Manager and the Chief or designated head of the said departments with the exception of the chief, or designated head, who shall be elected by City Council.

The provisions of this Act shall apply to all employees of the Fire Department and the Police Department including the chiefs and designated heads of said departments thereof; *Provided*, However, no employee of the Fire Department or Police Department, or the Chiefs thereof, or the designated heads thereof, shall be covered by this Act, unless they have stood and passed a Civil Service Examination under the existing Civil Service Law or any previous Civil Service Law for the City of Spartanburg, S. C.; or has had at least twenty (20) years of service with said department prior to the passage of this Act. All appointments to and promotions in said departments shall be left to the discretion of the City Council and chiefs or designated heads of the said departments as herein referred to, with the exception of the chiefs or designated heads who shall be elected by City Council. No person shall be re-instated in or transferred, suspended, or discharged from any such place, position, or employment contrary to the provisions of this Act.

SECTION 4. Chairman—meetings — duties.—After appointment, the Commission shall organize by electing one of its members chairman and hold meetings as may be required for the proper discharge of their duties. It shall be the duty of the Civil Service Com-

mission: (a) To make suitable rules and regulations not inconsistent with the provisions of this Act. Such rules and regulations shall provide in detail the manner in which examinations may be held. (b) All tests shall be practical, and shall consist only of subjects which shall fairly determine the capacity of persons examined to perform duties of the position to which the appointment is to be made, and may include tests of physical fitness and/or of manual skill. (c) The rules and regulations adopted by the Commission shall provide for a credit of 10 per cent in favor of all applicants for appointment under Civil Service, who in time of war, or in any expedition of the Armed Forces of the United States have served in and been honorably discharged from the Army, Air Force, Coast Guard, Marine Corps, and Navy, and the American Red Cross. These credits apply to entrance examinations only. (d) Provide for, formulate, and hold competitive tests to determine the relative qualifications of persons who seek employment in any class or position, and as a result thereof establish eligible lists for the various classes of positions, and to provide that men laid off because of curtailment of expenditures, reduction in any part in force, and for like causes, shall be the last man or men, including probationers, that have been appointed to said Fire Department or Police Department. Such removal shall be accomplished by suspending in numerical order commencing with the last man appointed to the said Fire Department and Police Department, until such reductions necessary shall have been accomplished; *Provided*, Further, That in the event the said Fire Department and Police Department shall again be increased in numbers and said Firemen and Policemen suspended under the terms of this Act shall be reinstated before any new appointments to the said Fire Department or Police Department shall be made.

SECTION 5. Not to affect present personnel.—For the benefit of the Public Service and to prevent delay, injury, or interruption therein by reason of the enactment of this Act, all persons holding a position in the Fire Department or Police Department including the Chief or designated head thereof, when this Act takes effect, who shall have served in such position under the existing Civil Service law prior to the enactment of this Act, are hereby declared eligible to serve in said position in said Departments under the provisions of this Act and shall remain in said position until removed for cause preferred under this Act.

SECTION 6. Qualifications of applicants.—(a) An Applicant for a position of any kind under Civil Service, must be a citizen of the

United States of America and an elector of Spartanburg County in which he resides, who can read and write the English Language, and must have been a resident of said County for at least one year.

(b) An Applicant for a position of any kind under Civil Service must be of an age of not more than thirty-five (35) years of age and not less than twenty-one (21) years of age, in ordinary good health, of good moral character and of temperate habits; these facts to be ascertained in such manner as the Commission may deem advisable.

SECTION 7. Persons may be discharged or suspended.—The tenure of every one holding an office, place, position or employment under the provisions of this Act shall be only during good behavior, and any such person may be removed or discharged, suspended without pay, demoted or reduced in rank, or deprived of vacation privileges for any of the following reasons:

(a) Incompetency, inefficiency, or inattention to or dereliction of duty.

(b) Dishonesty, intemperance, immoral conduct, insubordination, discourteous treatment of the public, or a fellow-employee, or any other act of omission or commission tending to injure the Public Service; or any other wilful violation of the provisions of this Act of the Rules and Regulations so adopted hereunder.

(c) Conviction of a felony, or a misdemeanor, involving moral turpitude.

(d) Any other act or failure to act which in the judgment of the Civil Service Commission is sufficient to show the offender to be unsuitable and an unfit person to be employed in the Public Service.

SECTION 8. Written accusation—investigation — appeals.—No person who shall have been appointed or inducted into Civil Service under the provisions of this Act, shall be removed, suspended, demoted, or discharged except for cause, and only upon the written accusation of his superior, or any citizen or taxpayer, a written statement of which accusation, in general terms shall be served upon the accused, and a duplicate filed with the Commission. The Chief or designated head of the Fire Department or the Chief or designated head of the Police Department may suspend a member pending the confirmation of the suspension by the regular appointing power under this Act which must be within three (3) days. Any person so removed, suspended, demoted, or discharged may within

ten (10) days from time of his removal, suspension, demotion, or discharge, file with the Commission a written demand for an investigation.

The investigation shall be confined to the determination of the question of whether such removal, suspension, demotion, or discharge was or was not made for political or religious reasons and was or was not made in good faith or cause. After such investigation the Commission may, if in its estimation the evidence is conclusive, affirm the removal, or if it shall find that the removal, suspension, or demotion was made for political or religious reasons, or was not made in good faith for cause, shall order the immediate reinstatement or re-employment of such person in the office, position, or employment from which such a person was removed, suspended, demoted, or discharged, which reinstatement shall if the Commission so provide in its discretion, be retroactive, and entitle such person to pay or compensation from the time of such removal, suspension, demotion, or discharge. The Commission upon such investigation in lieu of affirming the removal, suspension, demotion, or discharge may modify the order of removal, suspension, demotion, or discharge by directing a suspension, without pay, for a given period, and subsequent restoration of duty, or demotion in classification, grade, or pay; the findings of the Commission shall be certified, in writing to the appointment power, and shall be forthwith enforced by such officer.

All investigations made by the Commission pursuant to the provisions of this section shall be by public hearing, after reasonable notice to the accused of the time and place of such hearing, at which hearing the accused shall be afforded an opportunity of appearing in person and by counsel, and presenting his defense. If such judgment or order be concurred by the Commission or a majority thereof, the accused may appeal therefrom to the Court of original and unlimited jurisdiction in civil suits of the county wherein he resides.

Such appeals shall be taken by serving the Commission, within thirty (30) days after the entry of such judgment or order, a written notice of appeal, stating the grounds thereof, and demand that a certified transcript of the record and all papers on file in the office of the Commission affecting or relating to such judgment or order, be filed by the Commission with such Court. The Commission shall, within ten (10) days, after the filing of such notice, make, certify, and file such transcript with such Court. The Court of original and unlimited jurisdiction in civil suits shall thereupon proceed to hear

and determine such appeal in a summary manner; *Provided*, However, That such hearing shall be to the determination of whether the judgment or order of removal, discharge, demotion or suspension made by the Commission, was or was not made in good faith or cause, and no appeal to such Court shall be taken except upon such ground or grounds.

SECTION 9. Not to affect appointing power.—All offices, places, positions, and employment coming within the purview of this Act, shall be created by the person or group of persons who, acting singly or in conjunction, as a mayor, the chiefs or designated heads, council, commission, or otherwise, is or are vested by law at and prior to the taking effect of this Act, with power and authority to select, appoint, or employ any person coming within the purview of this Act, and nothing herein contained shall infringe upon the power and authority of any such person or group of persons, or appointing power, to fix the salaries and compensation of employees employed hereunder.

SECTION 10. Commission to conduct civil suits.—It shall be the duty of the Commission to begin and conduct all civil suits which may be necessary for the proper enforcement of this Act and of the rules of the Commission. The Commission shall be represented in such suits by the chief legal officer of the city, but said Commission may be represented by special counsel appointed by it.

SECTION 11. Employees not obligated to make certain contributions.—No person in office, place, position, or employment subject to civil service, is under any obligation to contribute to any political fund or to render any political service to any person or party whatsoever, and no person shall be removed, reduced in grade or salary, or otherwise prejudiced for refusing so to do.

No public officer, whether elected or appointed shall discharge, promote, demote or in any manner change the official rank, employment or compensation of any person under Civil Service, or promise or threaten so to do, for giving or withholding or neglecting to make any contribution of money, or service, or any other valuable thing for political purposes.

SECTION 12. City of Spartanburg required to put act into effect.—The Mayor and Council of the City of Spartanburg shall immediately upon the enactment of this Act enact appropriate legislation for carrying this Act into effect, and the failure upon the

part of the Mayor and Council of the City of Spartanburg to do so shall be considered a violation of this Act and be punishable as such.

SECTION 13. Appoint Civil Service Commission.—Immediately upon the enactment of this Act, it shall be the duty of the duly constituted authorities in the city, subject to the provisions of this Act, to appoint and create a Civil Service Commission as provided for in Section 1, hereof and the failure upon the part of said duly constituted authorities, or any of them, so to do, shall be deemed a violation of this Act, and be punishable as such.

SECTION 14. Duties of commissioners.—It shall be the duty of each commissioner appointed subject to the provisions of this Act, to immediately organize and see to it that the provisions thereof are carried into effect.

SECTION 15. Penalties.—Any person who shall wilfully violate any of the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than \$100.00 nor more than \$1,000.00, or by imprisonment in the county jail for not longer than one year, or by both such fine and imprisonment. The Court of original and unlimited jurisdiction shall have jurisdiction of all such offenses defined by this Act.

SECTION 16. Definitions.—As used in this Act, the following mentioned terms shall have the following described meanings:

The term 'Commission' means the Civil Service Commission herein created, and the term 'Commissioner' means any one of the three commissioners of that Commission.

The term 'Council' means the mayor and members of Council of the City of Spartanburg.

The term 'Appointment' includes all means of selecting, appointing, employing any person to hold any office, place, position or employment subject to Civil Service.

SECTION 17. Saving clause.—If any section, sub-section, subdivision, sentence, clause or phrase of this Act, shall for any reason be held unconstitutional, such decision shall not affect the validity of the remaining portions of this Act.

SECTION 18. Repealed.—All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed insofar as they conflict with the provisions of this Act.

SECTION 19. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 10th day of May, 1966.

(R1166, H2575)

No. 992

An Act To Amend Section 10-1753.1, Code Of Laws Of South Carolina, 1962, Relating To Judicial Sales In Lexington County, So As To Permit The Special Referee To Employ An Auctioneer To Make Such Sales.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 10-1753.1 amended—judicial sales in Lexington County.—Section 10-1753.1 of the 1962 Code is amended by adding at the end thereof the following: “The special referee may employ an auctioneer to make and handle matters incident to all judicial sales of property ordered by any court to be sold at public sale in Lexington County. The auctioneer’s fee shall be set by the special referee.” The section when amended shall read as follows :

“Section 10-1753.1. In the county of Lexington all sales under the order of the court when the title is to be made by a special referee shall be made by the special referee. The special referee may employ an auctioneer to make and handle matters incident to all judicial sales of property ordered by any court to be sold at public sale in Lexington County. The auctioneer’s fee shall be set by the special referee.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 10th day of May, 1966.

(R1167, H2578)

No. 993

An Act To Amend Section 14-400.491, Code Of Laws Of South Carolina, 1962, Creating The Pickens County Planning And Development Commission, So As To Increase The Size Of The Commission From Seven To Nine Members.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 14-400.491 amended — Pickens County Planning and Development Commission created.—Section 14-400.491 of the 1962 Code is amended by striking on line five the word “seven” and inserting in lieu thereof the word “nine”. When so amended, the section shall read as follows:

“Section 14-400.491. There is hereby created the Pickens County Planning and Development Commission, to promote and advance the agricultural, commercial and industrial development of the county. The Commission shall serve without compensation and shall be composed of nine members, to be appointed by the Governor on the recommendation of a majority of the legislative delegation from Pickens County, including the Senator. The terms of office of the members of the Commission shall be for two years and until their successors are appointed and qualify, except that the initial members shall serve for terms as follows: Three for one year and four for two years and until their successors are appointed and qualify. In case any vacancy occurs in the membership of the Commission, either during the initial or regular terms, such vacancy shall be filled for the unexpired term in the manner provided for the original appointment. The Commission shall annually elect one of its members as chairman for a term of one year.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 10th day of May, 1966.

(R1168, H1974)

No. 994

An Act To Make Appropriations To Meet The Ordinary Expenses Of The State Government For The Fiscal Year Beginning July 1, 1966; To Regulate The Expenditure Of Funds Therefor; For Borrowing Money; Further Relating To The Operation Of The State Government During The Fiscal Year 1966-67; And To Enact As Permanent Laws Of The State Of South Carolina Measures To Amend The 1962 Code Of Laws Of South Carolina As Follows: To Amend Section 65-73 Relating To Gross Receipts Records Of The Tax Commission; To Amend Section 15-103 So As To Increase The Compensation Of Justices Of The Supreme Court; To Amend Section 15-212 So As To Increase The Com-

pensation Of Circuit Judges; To Amend Section 1-102 So As To Increase Compensation Of The Governor; To Amend Section 1-131 So As To Fix The Salary Of The Lieutenant Governor; To Amend Section 21-258 So As To Substitute A Revised Schedule Of State Aid For Teachers' Salaries; To Amend Section 30-52.1 Relating To Subsistence Expenses Of Members Of The General Assembly; To Amend Section 37-80 Et Seq., So As To Transfer The Duties And Responsibilities Of The State Fire Marshal To The State Budget And Control Board; To Amend Section 65-1064.2 By Extending The Tax Exemption On Gasoline Used In School Buses To Bus Service Vehicles; To Amend Section 21-451 Et Seq., So As To Place The State Schoolbook Commission Under The Direction Of The State Board Of Education; To Amend Section 21-52 Et Seq., So As To Place The Educational Finance Commission Under The Direction Of The State Board Of Education; To Amend Section 61-47 So As To Allow A Class One Employer To Become A Class Two Employer Under Certain Conditions; To Amend Section 61-211 By Extending The Provisions For Supplemental Retirement Benefits Of Certain Persons; To Amend Section 51-2.5 Relating To Public Use Of State Parks; To Amend Section 21-261 So As To Increase The Amount Allowed School Districts For Maintenance And Operation; To Amend Sections 1-781 And 1-782 By Increasing The Amount Of The General Fund Reserve To \$6,000,000.00; To Amend Sections 46-154 Et Seq., Relating To Minimum Age For Issuance Of Drivers Licenses And Permits; And To Enact Additional Permanent Laws Relating To (1) Driver Training, To Be Made Mandatory In The Public Schools After July 1, 1968; (2) Increased Compensation Of Constitutional Officers Beginning With The Term Following The 1966 General Election; (3) Amending Act 799 Of 1962 Relating To The South Carolina Police Officers Retirement System So As To Provide Supplemental Retirement Benefits; (4) Further Amending Act 799 Of 1962 So As To Extend The Final Date By Which Applications For Admission To The Police Officers Retirement System May Be Received; And (5) Amending Act No. 748 Of The 1962 Acts So As To Further Define Domestic Wine.

Be it enacted by the General Assembly of the State of South Carolina :

PART I**Maintenance and Operation of State Government****SECTION 1**

For the fiscal year 1966-67, except as hereinafter specifically provided, all general state revenues derived from taxation, licenses, fees, or from any other source whatsoever, and all institutional and departmental revenues or collections, including income from taxes, licenses, fees, the sale of commodities and services, and income derived from any other departmental or institutional source or activity, shall be remitted to the State Treasurer as collected, when practicable, but at least on or before the last day of each month, for credit to the General Fund of the State. Each institution, department, or agency, in remitting such income to the State Treasurer, shall attach with each such remittance a report or statement, showing in detail the sources from which such income was derived, and shall, at the same time, forward a copy of such report or statement to the Comptroller General and the State Budget and Control Board. *Provided, however,* That refunds of such collections by state institutions, when properly approved by the authorities of same, may be made before remittance to the State Treasurer, so that, to such extent, the remittances, and the accompanying report or statement, shall be on the basis of net income. *Provided, further,* That revenues derived from the General Retail Sales Tax, and the State's portion of revenue derived from the Alcoholic Liquors Tax, shall be credited to a Special School Fund, and no payments shall be made from this fund except to cover appropriations herein made for the support of the public school system of the State, but any amount of such appropriations in excess of revenues credited to the Special School Fund shall be paid from the General Fund of the State.

SECTION 2

Subject to the terms and conditions of this Act, the sums of money set forth herein, if so much be necessary, be, and the same are, hereby appropriated out of the State Treasury, to meet the ordinary operating expenses of the State Government applicable to the fiscal year 1966-67, and for such other purposes as may be hereinafter specifically designated.

SECTION 3

Legislative Department

Item 1. The Senate:

A. Personal Service:

A-1. *Salaries:*

President	\$ 1,500.00
President Pro Tempore	400.00
Senators (50 @ \$4,000.00)	200,000.00
Clerk (In full for year)	15,000.00
Sergeant-at-Arms	960.00
Assistant Sergeant-at-Arms ..	812.00
Assistant Clerk	1,028.00
Secretary to President	812.00
Chaplain	379.00
General Desk Clerks (2)	1,730.00
Bill Clerks (3)	1,947.00
Journal Clerk	784.00
Journal Clerk	703.00
Reading Clerk	973.00
General Committee Clerks (3) ..	1,378.00
Amendment Clerks	1,081.00
Asst. Amendment Clerks (4) ..	865.00
Committee Sergeant	703.00
Steno-Clerk, Judiciary Com. ..	784.00
Steno-Clerk, Social Security and Education Committees	784.00
Stenographers, Finance Com- mittee (3)	2,351.00
General Committee Stenog- rapher	784.00
General Committee Stenog- rapher	784.00
General Committee Stenog- rapher	784.00
Keeper—President's Office ...	346.00
Keeper—Finance Committee Room	346.00
Keeper—Judiciary Committee Room	346.00

Doorkeepers (3)	1,298.00
Elevator Operators (4)	1,081.00
Pages (3)	1,135.00
Attendants (12)	2,596.00
Laborers	1,363.00
B. Contractual Services:	
B-2. Mileage (9¢ per mile)	12,600.00
Subsistence	28,200.00
Official Expense Allowance—	
President	1,300.00
C. Supplies:	
C-4. Postage (46 @ \$15.00) ...	690.00
E. Contingencies:	
Approved Accounts	125,000.00

Total (Item 1) The Senate	\$ 413,627.00
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Item 2. House of Representatives:

A. Personal Service:

A-1. *Salaries:*

The Speaker	\$ 1,500.00
Speaker Pro Tempore	400.00
Representatives	496,000.00
Clerk (In full for year)	15,000.00
Assistant Clerk	1,028.00
Journal Clerk	784.00
Bill Clerks	2,351.00
Reading Clerk	973.00
Bill Clerk and General Com- mittee Clerk	649.00
Steno-Clerk, Ways and Means Committee	865.00
Steno-Clerk, Judiciary Com- mittee	865.00
General Committee Clerks (2)	1,568.00
General Desk Clerk	865.00
General Desk Clerk	865.00
General Clerk and/or Stenog- rapher	784.00
General Committee Stenog- raphers (4)	3,136.00

Sergeant-at-Arms	960.00	
Assistant Sergeant-at-Arms ..	812.00	
Secretary to the Speaker	865.00	
Amendment Clerks	1,568.00	
Stenographer	784.00	
Chaplain	379.00	
Committee Sergeant	703.00	
Chief Page	487.00	
Asst. Chief Page	433.00	
Pages (12)	4,542.00	
Doorkeepers (3)	1,298.00	
Laborers (3)	1,298.00	
Elevator Operators (4)	1,081.00	
B. Contractual Services:		
B-2. Mileage (9¢ per mile)	35,000.00	
Subsistence	74,400.00	
Official Expense Allowance—		
Speaker	1,300.00	
C. Supplies:		
C-4. Postage (124 @ \$15.00) ..	1,860.00	
E. Contingencies:		
Approved Accounts	125,000.00	
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Total (Item 2) House of Represen-		
tatives		\$ 780,403.00
Item 3. Special Services for both Houses:		
A. Personal Service:		
A-1. <i>Salaries:</i>		
Clerk on Enrollment of Acts ..\$	757.00	
Assistant Clerk on Enrollment		
of Acts	757.00	
Postmaster	649.00	
Assistant Postmaster	649.00	
Telephone Operators (2) (in		
full for session)	700.00	
Telephone Pages (2)	757.00	
Information Services (if so		
much be necessary)	500.00	
Laborers (3)	1,168.00	
Maid	324.00	

E. Contingencies:

Approved Accounts	15,000.00
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Total (Item 3) Special Services for both Houses	\$ 21,261.00
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Item 4. Codification of Laws and
Legislative Council:

A. Personal Service:

A-1. *Salaries:*

Code Commissioner and Direc- tor of Legislative Council (In full for year)	\$ 17,500.00
Asst. Code Commissioner and Asst. Director of Legisla- tive Council (In full for year)	13,500.00
Attorney (In full for year) ..	12,500.00
Attorney (In full for year) ..	12,500.00
Lawyers	4,975.00
Stenographers	8,625.00
Clerk	784.00
Clerical Help	2,000.00
Pages	487.00

A-2. *Wages:*

Porter	703.00
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A-3. *Special Payments:*

Per Diem and Travel of Com- mittee on Statutory Laws	1,200.00
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B. Contractual Services:

B-7. For Printing Code Supple- ment	28,000.00
For Xerox Machine	6,000.00

E. Contingencies:

Approved Accounts	43,825.00
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Total (Item 4) Codification of Laws and Legislative Council ..	\$ 152,599.00
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Item 5. Clerk's Office (Clerk of the
Senate):

A. Personal Service:

A-1. *Salaries*:

Secretary	\$ 3,149.00
Bookkeeper	2,503.00

A-2. *Wages*:

Porter	568.00
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B. Contractual Services:

B-3. Telephone and Telegraph ..	100.00
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C. Supplies:

C-4. Office Supplies	150.00
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D. Fixed Charges and Contributions:

D-1. Post Office Box Rent	12.00
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For Salary and Wage Adjustments	565.00
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Total (Item 5) Clerk's Office (Clerk of the Senate)	\$ 7,047.00
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Item 6. Clerk's Office (Clerk of the
House):

A. Personal Service:

A-1. *Salaries*:

Secretary	\$ 3,149.00
Clerical Help	5,150.00

A-2. *Wages*:

Messenger-Porter	929.00
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B. Contractual Services:

B-3. Telephone and Telegraph ..	100.00
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C. Supplies:

C-4. Office Supplies	125.00
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D. Fixed Charges and Contributions:

D-1. Post Office Box Rent	18.00
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For Salary and Wage Adjustments	830.00
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Total (Item 6) Clerk's Office (Clerk of the House)	\$ 10,301.00
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TOTAL (Legislative Department) ..	\$ 1,385,238.00
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Provided, That the Clerk of the House is authorized to have prepared a House Journal Index at a cost not to exceed Three Hundred (\$300.00) Dollars, and the Clerk of the Senate is authorized to have prepared a Senate Journal Index at a cost not to exceed Three Hundred (\$300.00) Dollars, same to be paid from approved accounts; *Provided, Further*, That the Comptroller General is authorized to honor warrants for operation of the offices of the Clerks of the House and Senate between sessions of the General Assembly on the approval of the clerk of each House. *Provided, Further*, That appropriations for salaries under this section shall be paid at such intervals and in such amounts as may be determined by the presiding officer and/or Clerk of the respective branches of the General Assembly. *Provided, Further*, That the clerks of the respective legislative departments may pay laborers and porters for necessary work before the convening and after the adjournment of the General Assembly. *Provided, Further*, That all supplies and equipment for use of the General Assembly shall be purchased only upon written authority of either the Clerk of the Senate, Clerk of the House or the Legislative Council for the respective branches of the General Assembly, and that a copy of such written authority shall be attached to all warrants in payment thereof before such warrants are honored by the Comptroller General. *Provided, Further*, That the Clerk of the Senate may employ two additional clerks for his office between sessions at a salary of \$212.00 bi-weekly, the same to be paid from approved accounts of the Senate. *Provided, Further*, That all employees of the General Assembly, with the exceptions of the Assistant Amendment Clerks and Attendants of the Senate, shall be paid for six (6) days of each week of the entire session, except that the Clerk of the House, the Clerk of the Senate, and the Director of the Legislative Council shall be paid no other compensation than that appropriated for those positions.

Provided, Further, That the Lieutenant Governor shall receive mileage as paid to members of the General Assembly during the sessions of the General Assembly.

Provided, Further, That the Clerks of the two (2) Houses are authorized to issue their warrants on Approved Accounts for necessary extra clerical or other services. *Provided, Further*, That necessary temporary clerical help for the Chairman of the Senate Finance, House Ways and Means Committees, the President of the Senate, and the Speaker of the House, may be paid from

Approved Accounts of the respective Houses upon recommendation of the Chairmen, or the Speaker, or the President of the Senate, respectively. *Provided, Further,* That either the Sergeant-at-Arms or the Assistant Sergeant-at-Arms of the Senate and the House shall remain on duty from 9:00 A.M. to 5:00 P. M. during each day of the week between sessions, except that on Saturdays the hours of duty shall be from 9:00 A. M. to 1:00 P. M., for which the person performing these duties shall receive his regular per diem compensation for each day of actual duty. The duties of the Sergeant-at-Arms and/or Assistant Sergeant-at-Arms shall be those provided by the Code, the Rules of the respective Houses, those designated by the presiding officers of the various Houses, and in addition the Sergeant-at-Arms and/or Assistant Sergeant-at-Arms of the respective Houses shall meet and escort visitors in and about their respective bodies and shall, during the hours of duty, be dressed in a distinctive manner so as to be easily identified as Sergeants-at-Arms. *Provided, Further,* That members of Legislative Committees shall be paid the regular per diem and expenses from Approved Accounts of the House which the respective committee members represent. *Provided, Further,* That the Sergeants-at-Arms are authorized to make necessary repairs to the Senate Chamber and the Hall of the House of Representatives between the 1966 and 1967 sessions of the General Assembly, and shall be paid therefor their regular per diem allowance for necessary time, but not to exceed sixty (60) days each for the Assistant Sergeants-at-Arms, and no such repairs shall be made except with the approval of the presiding officer. *Provided, Further,* That the joint committee consisting of six members, three from the Senate and three from the House, created in the 1945 Deficiency Bill to investigate the feasibility of completing the State House according to the plans of the original architect, or according to plans which might be considered more suitable, is hereby increased to include the presiding officers of the two Houses, and the Committee is authorized to continue such work.

Provided, That the Legislative Council is authorized to employ additional stenographic or other help between sessions as the Council may deem necessary at such salary or salaries as the Council may set, to be paid from approved accounts.

Provided, Further, That the Clerks of the two Houses of the General Assembly are hereby authorized and directed to have printed all State-wide Acts immediately after their approval by the Gov-

ernor, and to place upon the desk of each member of the General Assembly, within one week after the approval date, a copy of said Acts, and to mail another copy to the home address of each member of the General Assembly, and three copies to each Clerk of Court in the State, and to the head of each State department and Institution, and to the Chief Justice and Associate Justices of the Supreme Court and each Judge of the Judicial Circuits. Likewise, printed copies of local Acts approved by the Governor shall be furnished to the members of the Legislative Delegation from the County involved. The Secretary of State shall notify the respective Clerks immediately upon receipt of all Acts approved by the Governor and make such Acts available to them for proof reading. All expenses in connection with the distribution of said approved Acts shall be paid from Approved Accounts for special services for both Houses.

Provided, Further, That copies of printed advance sheets of the Acts of the General Assembly shall be supplied to the County Clerks of Court and County Boards of Commissioners.

Provided, Further, That for each session of the General Assembly all attaches and/or employees of the General Assembly shall receive as additional compensation an increase of ten per cent over the rate paid for the 1956 session. Such sums shall be paid from the Approved Accounts of the respective Houses, services to both Houses, and the Legislative Council.

Provided, Further, That except as otherwise hereinbefore provided, the base pay of legislative clerks and attaches designated in this Section shall apply to a session of forty legislative days, and that each clerk and attache shall receive additional compensation for such service at the same rate for each legislative day in excess thereof, the same to be paid from the approved accounts of the respective houses. *Provided, However,* That laborers and porters shall be paid for six days of each week of the entire session. *Provided, Further,* That all salaries under Items 5 and 6 shall apply to a period of six months between sessions of the General Assembly, and each clerk and attache provided for therein shall be paid at the same rate from approved accounts of the respective houses for any period in excess thereof. *Provided, Further,* That no salaries shall be paid under these items during any period when the General Assembly is in regular or special session.

Provided, The Director of the Legislative Council is hereby directed to provide sufficient copying machine equipment and supplies

to adequately meet the requirements of members of the General Assembly and to employ the necessary help to operate the equipment, the cost of which shall be paid from Approved Accounts of Special Services for both houses.

Provided, Further, That the salaries of all Legislative employees and attaches shall be increased 10% of the rate paid during the fiscal year 1965-66, the cost of these increases to be paid from approved accounts of the respective divisions of the Legislative Department.

SECTION 4

Judicial Department

Item 1. Supreme Court:

A. Personal Service:

A-1. Salaries:

Chief and Associate Justices ..\$	123,000.00
Clerk	7,462.00
Reporter	3,893.00
Librarian	5,191.00
Secretary	5,500.00
Stenographers (3)	8,155.00
Stenographers—Chief and As- sociate Justices	22,695.00
Legal Assistant to Chief Justice	8,111.00
Law Clerks (4)	26,000.00
Attendant	2,976.00
Retired Justices (1)	16,333.00
Widows of Justices (3)	16,554.00
Chaplain	180.00

A-2. Wages:

Messenger	238.00
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A-3. Special Payments:

Extra Steno Services	200.00
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B. Contractual Services:

B-2. Travel	6,000.00
B-3. Telegraph and Telephone ..	2,500.00
B-4. Repairs	1,000.00

C. Supplies:

C-4. Office Supplies	5,000.00
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D. Fixed Charges and Contributions:		
D-1. Rents	39.00	
Office Expenses—Chief and Associate Justices	3,000.00	
D-2. Insurance	10.00	
G. Equipment:		
G-1. Office Equipment	10,000.00	
G-7. Educational Equipment:		
Library:		
Books	7,500.00	
South Carolina Reports	3,862.00	
		<hr/>
Total (Item 1) Supreme Court		\$ 285,399.00
Item 2. Circuit Courts:		
A. Personal Service:		
A-1. <i>Salaries</i> :		
Circuit Judges (15)	\$ 367,500.00	
Retired Judges (1)	10,899.00	
Widows of Judges (5)	27,220.00	
Circuit Stenographers (15)	132,336.00	
A-3. Special Payments:		
Special Circuit Judges	1,000.00	
B. Contractual Services:		
B-2. Travel	35,000.00	
Official Expense (Circuit Stenographers 15)	4,500.00	
G. Equipment:		
Equipment for Circuit Stenographers	10,000.00	
		<hr/>
Total (Item 2) Circuit Courts		\$ 588,455.00
Item 3. Board of Law Examiners:		
A. Personal Service:		
A-3. Special Payments (3 Members)	\$ 3,000.00	
B. Contractual Services:		
B-2. Travel	600.00	
		<hr/>
Total (Item 3) Board of Law Examiners		\$ 3,600.00

Item 4. Board of Commissioners on Grievances and Disci- pline	\$ 10,000.00
For Salary and Wage Adjustments.	20,036.00
	<hr/>
TOTAL (Judicial Department)	\$ 907,490.00

Provided, That the salaries provided herein for Circuit Stenographers shall be in full for all services to the Circuit Courts, except where specific appropriations are made by any of the counties in the respective circuits to supplement these salaries, and except for income derived by the said Circuit Stenographers from transcripts.

SECTION 5

Governor's Office

Item 1. Executive Control of State:

A. Personal Service:

A-1. Salaries:

Governor	\$ 22,500.00
Executive Secretary	11,330.00
Agricultural and Administrative Assistant	11,330.00
News Secretary	11,330.00
Legal Assistant	11,330.00
Stenographers	32,773.00
A-2. Wages—Messenger-Porter .	2,700.00
A-3. Special Payments—E x t r a Clerical	5,400.00

B. Contractual Services:

B-2. Travel and Promotional Ex- pense	13,000.00
B-3. Telegraph and Telephone ..	15,000.00
B-4. Repairs	1,000.00

C. Supplies:

C-4. Office Supplies	10,000.00
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D. Fixed Charges and Contributions:

D-1. Rents	30.00
D-3. Association Dues	200.00

G. Equipment:		
G-1. Office Equipment	2,000.00	
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Total (Item 1) Executive Control of State		\$ 149,923.00
Item 2. Mansion and Grounds:		
A. Personal Service:		
A-2. Wages	\$ 20,000.00	
B. Contractual Services:		
B-6. Water, Heat, Light and Power	3,000.00	
C. Supplies	15,000.00	
C-9. Agricultural Supplies	500.00	
D. Fixed Charges and Contributions:		
D-2. Insurance	300.00	
G. Equipment:		
G-3. Household Equipment	5,000.00	
G-5. Agricultural Equipment ...	500.00	
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Total (Item 2) Mansion and Grounds		\$ 44,300.00
Item 3. Law Enforcement:		
A. Personal Service:		
A-1. <i>Salaries</i> :		
Governor's Officers	\$ 385,145.00	
A-3. Special Payments	5,000.00	
Operating Expense	207,968.00	
Intra-State Teletype Network .	61,356.00	
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Total (Item 3) Law Enforcement ..		\$ 659,469.00
Item 4. Identification Bureau:		
Maintenance of Bureau		\$ 10,000.00
For Salary and Wage Adjust- ments		41,980.00
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TOTAL (Governor's Office)		\$ 905,672.00

Provided, That one of the Governor's Officers shall be assigned exclusively to the duty of investigating and determining the origin of forest fires.

SECTION 6

Lieutenant Governor's Office

For Administration:

A. Personal Service:

A-1. *Salaries:*

Lieutenant Governor	\$ 3,750.00
Secretary (For Six Months) ..	1,500.00

B. Contractual Services:

B-2. Travel	1,500.00
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D. Fixed Charges and Contributions:

D-3. Association Dues	100.00
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TOTAL (Lieutenant Governor's Of- fice)	\$ 6,850.00
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SECTION 7

Secretary of State

Item 1. Keeping State Records:

A. Personal Service:

A-1. *Salaries:*

Secretary of State	\$ 17,500.00
Deputy Secretary of State	10,259.00
Corporation Clerk	6,023.00
Secretary	4,418.00
Clerk-Stenographer	4,418.00
Clerk-Stenographer	3,893.00

A-2. Wages:

Porter	593.00
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A-3. Special Payments:

Clerical Help	400.00
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B. Contractual Services:

B-2. Travel	1,650.00
B-3. Telegraph and Telephone ..	550.00
B-4. Repairs	150.00
B-7. Election Expense	24,000.00

C. Supplies:

C-4. Office Supplies	6,000.00
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D. Fixed Charges and Contributions:	
D-1. State Office Building Rental	7,237.00
D-2. Insurance	325.00
D-3. Association Dues	100.00
G. Equipment:	
G-1. Office Equipment	1,000.00
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Total (Item 1) Keeping State Records	\$ 88,516.00
Item 2. Administration of Securities Act:	
A. Personal Service:	
A-1. <i>Salaries:</i>	
Deputy Securities Commissioner	\$ 9,517.00
Accountant-Investigator	7,137.00
Secretary	4,326.00
Secretary	3,568.00
A-3. Special Payments:	
Clerical Stenographic Help ...	500.00
B. Contractual Services:	
B-2. Travel	750.00
B-3. Telegraph and Telephone ..	600.00
B-4. Repairs	100.00
C. Supplies:	
C-4. Office Supplies	2,000.00
D. Fixed Charges and Contributions:	
D-2. Premiums on Bonds	36.00
D-3. Association Dues	100.00
G. Equipment:	
G-1. Office Equipment	300.00
<hr/>	
Total (Item 2) Administration of Securities Act	\$ 28,934.00
For Salary and Wage Adjustments	\$ 5,416.00
<hr/>	
GRAND TOTAL (Secretary of State)	\$ 122,866.00

SECTION 8

Comptroller General's Office

Item 1. Executive Control of Accounts:**A. Personal Service:****A-1. Salaries:**

Comptroller General	\$ 17,500.00
Deputy Comptroller	10,300.00
Accountants	14,492.00
Auditors	23,577.00
Bookkeepers	27,038.00
Clerks	46,326.00

A-2. Wages 1,206.00

A-3. Special Payments:

Clerical Help 4,500.00

For Salary and Wage Adjustments . 11,881.00

B. Contractual Services:

B-2. Travel 1,430.00

B-3. Telegraph and Telephone .. 1,600.00

B-4. Repairs 2,400.00

C. Supplies:

C-4. Office Supplies 9,000.00

D. Fixed Charges and Contributions:

D-1. Rents 39.00

State Office Building Rental .. 5,545.00

D-2. Insurance 500.00

D-3. Contributions 50.00

G. Equipment:

G-1. Office Equipment 2,000.00

**Total (Item 1) Executive Control of
Accounts**

\$ 179,384.00

Item 2. Counties:**A. Personal Service:****A-1. Salaries:**

County Auditors\$ 210,542.00

County Treasurers 210,542.00

B. Contractual Services:

B-5. Printing and Advertising .. 75,000.00

Settlements with Counties 6,000.00

Total (Item 2) Counties

\$ 502,084.00

Item 3. Elections:

A. Personal Service:

A-1. *Salaries:*

Supervisors of Registration ...\$ 96,600.00

B. Contractual Services:

B-7. Election Expenses 148,000.00

Total (Item 3) Elections \$ 244,600.00

Item 4. Confederate Pensions:

A. Personal Service:

A-3. Special Payments:

Per Diem of Board\$ 100.00

D. Fixed Charges and Contributions:

D-3. Contributions:

Confederate Pensions 18,200.00

Total (Item 4) Confederate
Pensions \$ 18,300.00

TOTAL (Comptroller General's
Office) \$ 944,368.00

Provided, That widows of Confederate veterans, who have attained the age of ninety (90) years, shall receive as pension the sum of Six Hundred (\$600.00) Dollars per year each, and that all others entitled to pensions under statute shall receive Two Hundred (\$200.00) Dollars each per year. *Provided, Further*, That not more than one pension shall be allowed or paid after the death of a pensioner, the said amount after death being for the purpose of defraying the funeral expenses of the said pensioner, but such funeral expenses shall not exceed the sum of Three Hundred (\$300.00) Dollars. *Provided, Further*, That for the year 1966-67 pensions shall be paid directly from the office of the Comptroller General, in a single payment, and as early after the beginning of the fiscal year as may be practical.

Provided, Further, The Comptroller General is hereby authorized to deputize any clerk or clerks in his employ to sign, in his stead, warrants drawn against the treasurer in payment of fixed appropriated items including salaries and other routine payments, or to employ the use of a mechanical signer, and the State Treasurer is hereby authorized to accept such signatures when notified by the Comptroller General; *Provided*, That this provision shall in no way relieve the Comptroller General of responsibility.

Provided, That for the fiscal year 1966-67 the state shall pay on the salaries of County Auditors and Treasurers \$4,577.00 each.

Provided, Further, That for the fiscal year 1966-67 Commissioners of State and County General Elections shall receive as expenses the sum of \$150.00 per year, payable quarterly, and Managers and Clerks of such elections shall receive a per diem of \$10.00 per day; but Managers shall not be paid for more than one day for any election, and Clerks for not more than 3 days for any election.

Provided, Further, that the amount appropriated in this section for Supervisors of Registration shall be disbursed quarterly for three supervisors per county at the rate of \$700.00 per year.

Provided, Further, That Notices of Election published in any newspaper by authority of the Board of Election Commissioners, as required by law, shall be paid for at the rate of one dollar (\$1.00) per inch for the first insertion and fifty cents (0.50) per inch for the second insertion based on eight point solid type, and provided further that such advertising shall not exceed two insertions.

SECTION 9

Attorney General

Item 1. For Administration:

A. Personal Service:

A-1. Salaries:

Attorney General	\$ 17,500.00
Assistant Attorneys General ..	165,000.00
Executive Secretary—Law Clerk	7,571.00
Circuit Solicitors (15)	177,000.00
Receptionist	3,500.00
Secretaries	24,650.00
File Clerk	3,500.00
Extra Stenographic Help	6,000.00
Law Clerks—P. T. (2)	2,400.00
General Counsel—Public Service Commission	6,965.00
For Salary and Wage Adjustments	34,485.00
A-2. Wages:	
Porter	178.00

B. Contractual Services:	
B-2. Travel	2,750.00
Expense Allowance	
(Solicitors)	4,500.00
B-3. Telegraph and Telephone ..	5,000.00
B-4. Repairs	500.00
C. Supplies:	
C-4. Office Supplies	2,500.00
D. Fixed Charges and Contributions:	
D-1. Post Office Box Rent	24.00
State Office Building Rental ..	12,282.00
D-2. Insurance (Official Bonds) ..	125.00
D-3. Contributions	150.00
G. Equipment:	
G-1. Office Equipment	1,500.00
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Total (Item 1) For Administration	\$ 478,080.00
Item 2. For State Litigation:	
A. Personal Service:	
A-3. Special Payments\$	5,000.00
B. Contractual Services:	
B-2. Travel	27,500.00
B-5. Printing and Advertising ..	3,000.00
C. Supplies:	
C-4. Office Supplies	9,000.00
D. Other Fixed Charges:	
D-1. Expenses for Habeas Corpus	
Matters	15,000.00
<hr/>	
Total (Item 2) For State Litigation	\$ 59,500.00
<hr/>	
TOTAL (Attorney General)	\$ 537,580.00

Provided, That the Attorney General is hereby authorized to contract for the collection of debts, claims or obligations due to the State, or any of its departments or institutions.

Provided, Further, That unless otherwise provided herein, no department or agency of the State government shall employ attorneys except upon the advice and with the consent of the Attorney General in writing. Any fees to be paid such attorneys shall be approved by

the Attorney General. This shall not apply to employment of attorneys in special cases in inferior courts where the fee to be paid does not exceed Twenty-five (\$25.00) Dollars.

Provided, Further, That the Attorney General shall assign one of his assistants as counsel for the South Carolina Tax Commission, one to perform all necessary legal duties of the South Carolina Industrial Commission, one to perform necessary legal work for the Insurance Department, and one as general counsel of the South Carolina Public Service Commission, but the personnel so designated shall also perform any other duties that may be assigned by the Attorney General.

Provided, Further, That the assessment against Public Utilities for the support of the Public Service Commission shall include a sufficient amount to cover the compensation and expenses of attorneys assigned by the Attorney General to the Public Service Commission.

Provided, Further, That necessary stenographic and other expenses of the attorneys assigned to other departments shall be borne by the Department to which the said attorneys are assigned.

SECTION 10

State Treasurer's Office

Item 1. Receiving and Disbursing Funds:

A. Personal Service:

A-1. Salaries:

Treasurer	\$ 17,500.00
Assistant Treasurer	10,300.00
Deputy	6,782.00
Chief—Bond Section	7,138.00
Bond Clerk	5,948.00
Auditor	6,943.00
Corporation Clerk	5,710.00
Securities Clerk	5,710.00
Disbursing Clerk	4,013.00
Bookkeepers (4)	25,010.00
Senior Clerk	4,699.00

A-2. Wages:

Porter	611.00
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A-3. Special Payments:	
Extra Clerical Help	1,800.00
For Salary and Wage Adjustments	8,196.00
B. Contractual Services:	
B-2. Travel	3,000.00
B-3. Telegraph and Telephone ..	1,600.00
B-4. Repairs	1,500.00
B-5. Printing and Advertising ..	1,100.00
C. Supplies:	
C-4. Office Supplies	2,600.00
D. Fixed Charges and Contributions:	
D-1. Rents	90.00
State Office Building Rental ..	7,079.00
D-2. Insurance	4,200.00
D-3. Contributions (Association Dues)	80.00
G. Equipment:	
G-1. Office Equipment	2,000.00
<hr/>	
Total (Item 1) Receiving and Dis-	
bursing Funds	\$ 133,609.00
Item 2. Administration Expense	
Withholding Tax:	
A. Personal Service:	
A-1. <i>Salaries:</i>	
Auditor	\$ 6,922.00
IBM Supervisor	5,948.00
For Salary and Wages Adjustments	1,287.00
B. Contractual Services:	
B-4. Repairs	100.00
C. Supplies:	
C-4. Office Supplies	1,000.00
D. Fixed Charges and Contributions:	
D-1. Rents	6,860.00
G. Equipment:	
G-1. Office Equipment	1,000.00
<hr/>	
Total (Item 2) Administration Ex-	
pense Withholding Tax ..	\$ 23,117.00

Item 3. Payment of Bonded Debt:

D. Fixed Charges and Contributions:

D-4. Payment of Bonded Debt:

Interest on Agricultural College

Stock:

July 1, 1966	\$ 5,754.00
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January 1, 1967	5,754.00
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Interest on Clemson Perpetual

Stock:

July 1, 1966	1,757.00
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January 1, 1967	1,757.00
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Principal and Interest Payments

on State Ports Bonds 3.40%:

September 1, 1966 Principal	300,000.00
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September 1, 1966 Interest .	61,200.00
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March 1, 1967 Interest	56,100.00
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Principal and Interest Payments

on State Ports Bonds

3.25%:

September 1, 1966 Interest	56,875.00
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March 1, 1967 Interest	56,875.00
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March 1, 1967 Principal	250,000.00
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Principal and Interest Payments

on State Ports Bonds

2.55%:

December 1, 1966 Interest ..	76,500.00
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June 1, 1967 Principal	500,000.00
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June 1, 1967 Interest	76,500.00
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Principal and Interest Payments

on State Ports Bonds 3%:

December 1, 1966 Principal	50,000.00
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December 1, 1966 Interest ..	12,000.00
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June 1, 1967 Interest	11,250.00
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Principal and Interest Payments

on Stadium Notes:

October 1, 1966 Principal ..	40,000.00
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October 1, 1966 Interest	5,600.00
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April 1, 1967 Interest	4,800.00
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Principal and Interest Payments
on Stadium Notes:

August 1, 1966 Interest	5,000.00
August 1, 1966 Principal . . .	20,000.00
February 1, 1967 Interest . .	4,500.00

Institutional and Armory Bonds
(1958):

August 1, 1966 Interest	8,500.00
February 1, 1967 Interest . .	8,500.00
February 1, 1967 Principal . .	212,500.00

Principal and Interest Payments
on Archives Building Note:

July 1, 1966 Principal	20,000.00
July 1, 1966 Interest	1,800.00
January 1, 1967 Interest . .	1,350.00

Principal and Interest Payments
on Medical College and
Board of Corrections Notes
(1963):

July 1, 1966 Interest	25,313.00
July 1, 1966 Principal	90,000.00
January 1, 1967 Interest . . .	23,288.00

Principal and Interest Payments
on S. C. School for Boys
Note:

July 1, 1966 Interest	1,980.00
July 1, 1966 Principal	6,000.00
January 1, 1967 Interest . . .	1,845.00

Principal and Interest Payments
on S. C. School for Boys
Notes (1964):

July 1, 1966 Interest	855.00
July 1, 1966 Principal	2,000.00
January 1, 1967 Interest . .	810.00

Principal and Interest Payments
on Board of Corrections
Notes:

November 1, 1966 Interest . .	26,213.00
May 1, 1967 Principal	90,000.00
May 1, 1967 Interest	26,213.00

Principal and Interest Payments
on State of S. C. Notes
(Armories 1964):

November 1, 1966 Interest ..	5,063.00
May 1, 1967 Interest	5,063.00
May 1, 1967 Principal	20,000.00

Principal and Interest Payments
on Clemson University and
John G. Richards Indus-
trial School Notes (1964):

September 1, 1966 Principal	18,000.00
September 1, 1966 Interest ..	5,828.00
March 1, 1967 Interest	5,423.00

Principal and Interest Payments
on Deaf and Blind School
Notes (1964):

September 1, 1966 Interest ..	19,215.00
March 1, 1967 Interest	19,215.00
March 1, 1967 Principal	61,000.00

Principal and Interest Payments
on Pineland Training
School Note (1965):

November 1, 1966 Interest ..	12,600.00
May 1, 1967 Interest	12,600.00
May 1, 1967 Principal	40,000.00

Principal and Interest Payments
on Medical College Note
(1965):

December 1, 1966 Interest ..	3,038.00
June 1, 1967 Interest	3,038.00
June 1, 1967 Principal	15,000.00

Total (Item 3) Payment of Bonded
Debt

\$2,394,472.00

Total (State Treasurer's Office) ...

\$2,551,198.00

Provided, That seven and one-half (7½%) per cent of the state income taxes collected between July 1, 1966 and June 30, 1967, shall be allocated to the Counties of the State. Within thirty (30) days after the close of each quarter, the State Treasurer shall remit to

each county of the State its percentage of the net income of such income taxes collected, according to his records, during the quarter just preceding. If, because of refunds by the Tax Commission, or for any other reason, it should develop that an overpayment shall have been made to any or all of the counties, the State Treasurer is authorized and directed to withhold from subsequent payments a sufficient amount to adjust same to the terms of this provision. The amount herein allocated to the counties shall be distributed in accordance with the provisions of Section 5, Part II, Act No. 207, Acts of 1961.

SECTION 11

Adjutant General's Office

Item 1. Administration:

A. Personal Service:

A-1. Salaries:

Adjutant General	\$ 17,500.00
Assistant Adjutant General ..	7,571.00
Secretary	5,677.00
Personnel Officer	6,576.00
Operations Officer	6,576.00
Stenographers	6,922.00
Steno-Clerks	9,951.00
Clerks	17,306.00
Armorer	3,569.00
A-2. Wages	12,860.00
A-3. Special Payments	2,000.00
For Salary and Wage Adjust- ments	7,502.00

B. Contractual Services:

B-2. Travel	4,400.00
B-3. Telegraph and Telephone ..	5,050.00
B-4. Repairs	30,000.00
B-6. Water, Heat, Light and Power	6,000.00
B-7. Other Contractual Services	1,000.00

C. Supplies:

C-2. Fuel Supplies	5,000.00
C-4. Office Supplies	2,500.00
C-8. Motor Vehicle Supplies ...	1,000.00
C-12. Other Supplies	1,500.00

D. Fixed Charges and Contributions:	
D-1. State Office Building Rental	11,307.00
D-2. Insurance	13,500.00
D-3. Contributions (Assn. Dues)	1,225.00
D-4. Other Fixed Charges (Co. Maintenance Fund)	65,000.00
Officers Candidate School (Pal. Mil. Acad.)	12,000.00
G. Equipment:	
G-1. Office Equipment.....	1,000.00
G-4. Motor Vehicles and Equip- ment	2,200.00
G-8. Other Equipment	1,000.00

GRAND TOTAL (Adjutant General) \$ 267,692.00

Provided, That the Adjutant General is authorized to compensate the Director of the S. C. Retirement System for administering social security coverage for the technician employees of the S. C. National Guard.

Provided, Further, That in the event a National Guard unit is established in Berkeley County the construction of an armory shall be provided for in said county as soon as approval of such an armory can be obtained and funds provided therefor.

SECTION 12

University of South Carolina

For Maintenance	\$6,686,027.00
Operation of Law Enforcement	
Training School	20,000.00
Regional Campuses	485,827.00
Bureau of Governmental Re- search and Service	30,000.00
Bureau of Business and Econ- omic Research	48,000.00
School of Nursing Extension ..	170,000.00
For Salary and Wage Adjust- ments	752,998.00
Expanding Graduate Program	250,000.00

Total (University of South Carolina) \$8,442,852.00

Provided, That in the operation of regional campuses, fees charged students shall be the same for all students, whether living within or without the counties in which regional campuses are located.

Provided, Further, That of the amount appropriated in this section for operation of regional campuses, the sum of \$75.00 per full time student shall be allocated to each regional campus to apply toward the cost of maintenance and operation expenses heretofore borne fully by the counties in which such campuses are located.

SECTION 13

The Citadel

For Maintenance	\$2,017,474.00	
For Debt Service on Stadium Bonds	10,275.00	
For Salary and Wage Adjustments	226,920.00	
	<hr/>	
Total (The Citadel)		\$ 2,254,669.00

SECTION 14

Clemson University (Educational and General)

For Maintenance	\$5,325,576.00	
Engineering Research	100,000.00	
Teaching and Research in Water and Sewerage	10,000.00	
Textile Research	25,000.00	
Research in Physical Sciences and Mathematics	25,000.00	
Computer Center (Teaching and Non-Agricultural Research)	42,500.00	
Nursing Program—Anderson ..	31,800.00	
Sumter Branch (Junior College Program)	86,250.00	
For Salary and Wage Adjustments	501,269.00	
Expanding Graduate Program	125,000.00	
	<hr/>	
Total Clemson University (Educational and General)		\$6,272,395.00

Provided, That of the amount appropriated in this section for the "Sumter Branch (Junior College Program)" the sum of seventy-five dollars per full-time student shall be allocated for maintenance and operating expenses normally borne by counties for such schools.

SECTION 15

Winthrop College

For Maintenance	\$2,580,655.00
For Salary and Wage Adjust- ments	177,888.00

Total (Winthrop College)	\$2,758,543.00
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Provided, That the Trustees of Winthrop College are authorized to continue the employment of Mrs. D. B. Johnson, widow of the founder of Winthrop College, regardless of retirement age.

SECTION 16

State Medical College

Medical College Maintenance ..	\$ 2,808,525.00
Psychiatric Residency Training	20,000.00
For Cancer Clinics	170,650.00
Cardiac Clinic	25,000.00
Medical College Hospital	1,716,000.00
Dental School Division	72,900.00
School of Nursing	304,430.00
For Salary and Wage Adjust- ments	495,623.00

TOTAL (State Medical College)	\$5,613,128.00
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Provided, That out of the amount appropriated in this section the sum of \$8,000.00, or so much thereof as may be necessary, shall be used to cover the costs of scholarships provided in Act No. 800 of the Acts of 1948.

Provided, Further, That the appropriation provided in this Section for Psychiatric Residency Training shall be used by the authorities of the State Medical College to provide stipends in a career type program of psychiatric residency training at rates of \$8,000.00 for the first year, \$9,000.00 for the second year and \$10,000.00 for the third

year for each such trainee. Any individual accepting such a residency shall legally obligate himself, or herself, to serve at least an equivalent amount of time, on completion of such training, in one of the State operated mental institutions, such as the South Carolina Mental Health Commission, Whitten Village, and the various community mental health clinics.

Provided, Further, That any balance on June 30, 1966, in the 1965-66 appropriation for the Medical College Hospital may be carried forward and expended for the same purpose during the fiscal year 1966-67.

SECTION 17

S. C. State College

For Maintenance	\$ 1,944,311.00
For Salary and Wage Adjust- ments	176,212.00

Total (S. C. State College)	\$ 2,120,523.00
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Provided, That the Board of Trustees of S. C. State College is hereby authorized to establish and maintain Graduate, Law, and Medical departments, and such other departments as may be deemed practicable and necessary to provide training in all lines of college activities for students attending this College, and to fix tuition fees for such courses commensurate with the costs thereof and in line with similar tuition charges at other state institutions.

Provided, Further, That the authorities of S. C. State College and the University of South Carolina shall arrange for the transfer of the law library of State College to the University.

SECTION 18

John de la Howe School

Administration	\$ 42,576.00
Education	68,468.00
Dietary	31,102.00
General Plant	94,904.00
Farm	13,968.00
Dairy	16,715.00
Infirmary	12,298.00

Laundry	4,287.00	
For Salary and Wage Adjust- ments	19,364.00	
	<hr/>	
TOTAL, (John de la Howe School) ..		\$ 303,682.00

SECTION 19

School for the Deaf and the Blind

Administration	\$ 40,479.00	
Education	581,923.00	
Infirmary	15,009.00	
General Plant	225,320.00	
Dietary	148,969.00	
School for Aphasic Children ..	20,000.00	
For Salary and Wage Adjust- ments	69,722.00	
	<hr/>	
TOTAL (School for the Deaf and the Blind)		\$ 1,101,422.00

SECTION 20

Superintendent of Education's Office

Administration:

Item 1. Superintendence:

A. Personal Service:

A-1. *Salaries:*

Superintendent of Education ..\$	17,500.00
Secretary	5,824.00
Assistant to Superintendent of Education	7,000.00
	<hr/>

Total Item 1 (Superintendence) ... \$ 30,324.00

Item 2. State Board of Education:

A-3. Special Payments:

Per Diem of Board	\$ 3,000.00
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B. Contractual Services:

B-2. Travel	6,600.00
B-7. Board Expenses	10,000.00
Other State Board Expenses ..	5,000.00

Total Item 2 (State Board of Education)	\$ 24,600.00
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Total (Administration)	\$ 54,924.00
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General Operations:

Item 1. Special Services, Public Information and School Administration:

A. Personal Service:

A-1. *Salaries:*

Director	\$ 8,211.00
Secretary	3,679.00
Editor—Professional Publications	5,928.00

School Lunch Program:

Supervisor	7,600.00
Assistant Supervisor	6,240.00
Supervisor—Food Distribution	8,000.00
Asst. Supervisor—Food Distribution	7,000.00
Steno-Bookkeeper	3,965.00
Clerks (3)	10,101.00

Item 2. Finance:

A. Personal Service:

A-1. *Salaries:*

Director	7,592.00
Supervisor—Budget and Personnel	5,122.00
State Aid Accountant	5,616.00
Supervisor Statistical Reports	5,616.00
Supervisor Tabulating Installation	4,968.00
Steno-Bookkeeper	4,164.00
Auditors	9,279.00

Supervisor—School Attendance	6,186.00
Punch Machine Operator	3,348.00
Punch Machine Operator	3,348.00
Machine Operator	4,134.00
Machine Operator	3,280.00
A-2. Wages:	
Printer	1,222.00
A-3. Special Payments:	
Accountants—Part Time	10,000.00
B. Contractual Services:	
B-1. Freight, Express and Delivery	25.00
B-2. Travel	46,400.00
B-3. Telephone and Telegraph	6,500.00
B-4. Repairs	800.00
B-5. Printing and Advertising:	
Printing—Educational Bulletins	6,000.00
Printing—Educational Materials	4,000.00
C. Supplies:	
C-4. Office Supplies	17,000.00
C-7. Educational Supplies	300.00
C-8. Motor Vehicle Supplies	300.00
D. Fixed Charges and Contributions:	
D-1. Rents	16,000.00
State Office Building Rental	82,305.00
D-2. Insurance—Bond Premiums	845.00
D-3. Contributions (Association Dues)	1,300.00
G. Equipment:	
G-1. Office Equipment	3,000.00
Item 3. Teacher Education and Certification:	
A. Personal Service:	
A-1. <i>Salaries:</i>	
Director	8,001.00
Secretary	4,030.00
Supervisors (2)	12,440.00
Steno-Clerk	3,601.00
Chief Clerk	4,320.00
Trades Certificate Clerk	4,043.00

Recertification Clerk	3,601.00
Recertification Clerk	3,471.00
Steno-Clerk	3,601.00
Transcript Clerk	3,575.00
Clerk	3,237.00
A-3. Special Payments:	
Clerical Help	12,375.00
D. Fixed Charges and Contributions:	
D-4. Other Fixed Charges:	
Certification Expense	33,000.00
Item 4. Instruction:	
A. Personal Service:	
A-1. <i>Salaries:</i>	
Director	7,592.00
Secretary	3,094.00
Field Supervisors (2)	12,937.00
Chief Supervisor Secondary	
Education	7,485.00
Secretarial Assistant	4,807.00
Secretary	3,682.00
Chief Supervisor of Elementary	
Education	7,338.00
Supervisor, Primary Education	6,293.00
Stenographer	3,173.00
Supervisor Physical Education	7,619.00
Supervisor Health Education	6,775.00
Stenographer	3,321.00
General Supervisor	7,177.00
Assistant General Supervisor	6,186.00
Stenographer	3,348.00
Asst. Supv.—Elementary Educa-	
tion	5,694.00
Stenographer	3,276.00
Supervisor Library Science	5,838.00
Supervisor Audio Visual Aid	6,320.00
Supervisor Special Education	7,030.00
Asst. Supv.—Special Education	7,725.00
Stenographer	3,348.00
State Supervisor of Music	8,112.00
Supervisor—Social Studies	8,755.00
Stenographer	3,502.00

Item 5. Adult Education:

A. Personal Service:

A-1. *Salaries:*

Director\$ 6,026.00

D-4. Other Fixed Charges:

Adult Schools 100,000.00

Total (General Operations) \$ 675,122.00

Other Services:

Item 1. Veterans' Education:

A. Personal Service:

A-1. *Salaries:*

Director\$ 6,427.00

Secretary 3,966.00

Item 2. Hard-of-Hearing and Speech

Therapy Program:

A-1. *Salaries:*

Supervisor 7,592.00

Stenographer 3,290.00

Technical Assistant 6,489.00

Hearing and Speech Correc-
tionist 5,962.00Hearing and Speech Correc-
tionist 5,427.00Hearing and Speech Correc-
tionist 5,962.00

Item 3. Educational Programs:

B. Contractual Services:

B-1. Printing for Public Schools 15,000.00

D. Fixed Charges and Contributions:

D-4. Other Fixed Charges:

Aid to Handicapped, Hard-of-
Hearing, and Speech Ther-
apy Program 18,310.00Education of Mentally and Phys-
ically Handicapped Chil-
dren 35,000.00Curriculum Development and
Research 20,000.00

State Aid for Teachers' Salaries	95,141,907.00
Non-Teaching Principals, Supervisors and Special Teachers	3,268,950.00
Supervision and Overhead	3,279,730.00
Maintenance and Operation	6,559,460.00
County Attendance Supervisors	166,796.00
County School Lunch Supervisors	166,796.00
School Lunch Program Aid	165,000.00
County Superintendents of Education	238,375.00
For Matching Federal Funds under National Defense Education Act:	
For Strengthening Curriculum—Title III	70,817.00
For Guidance, Counseling and Testing—Title V	14,747.00
For Improvement of Statistical Services—Title X	10,744.00
Audio Visual Aids Library for Public Schools	200,000.00
For Driver Education Courses	180,000.00

Total (Other Services)	109,596,747.00
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Vocational Education:

Agriculture	\$ 1,519,378.00
Home Economics	1,156,550.00
Trades and Industries	1,065,543.00
Ancillary Services and Development of Instruction	59,890.00
Office Occupations	52,638.00
Distributive Education	94,640.00
Teacher Training	15,000.00
Vocational Agriculture Camps	2,500.00
Home Economics Girls' Camps	5,000.00
Trades and Industries—Camp Improvements	2,500.00

Matching Federal Funds Area		
Vocational Education Pro-		
grams	25,000.00	
Area Trade Schools	572,084.00	
	<hr/>	
Total (Vocational Education)		\$ 4,570,723.00
State Scholarship Grants:		
(Act 297 1963)	\$ 250,000.00	
State Educational Finance Commission:		
Item 1. Commission:		
A. Personal Service:		
A-3. Special Payments:		
Per Annum of Commission ..		\$ 500.00
Item 2. General Administration:		
A. Personal Service:		
A-1. <i>Salaries:</i>		
Director	\$ 13,500.00	
Finance Officer	9,523.00	
Secretary	5,463.00	
Asst. Finance Officer	6,538.00	
Field Consultant	6,014.00	
Clerk	3,706.00	
Stenographer (P. T.)	833.00	
A-2. Wages	345.00	
B. Contractual Services:		
B-2. Travel	11,000.00	
B-3. Telegraph and Telephone ..	2,500.00	
B-4. Repairs	500.00	
C. Supplies:		
C-4. Office Supplies	4,000.00	
C-8. Motor Vehicle Supplies ...	550.00	
D. Fixed Charges and Contributions:		
D-1. State Office Building Rental	14,407.00	
G. Equipment:		
G-1. Office Equipment	1,000.00	
	<hr/>	
Total Item 2 (General Administra-		
tion)		\$ 79,879.00

Item 3. Transportation:

D. Fixed Charges and Contributions:

D-4. Other Fixed Charges:

School Bus Operating Expense	\$ 6,546,269.00
Bus Purchases	2,350,000.00
Transportation for physically and mentally handicapped children at the rate of \$70- .00 per child	35,000.00

Total Item 3 (Transportation)	\$ 8,931,269.00
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Item 4. School Buildings:

A. Personal Service:

A-1. *Salaries*:

Supervisor, Schoolhouse Plan- ning	\$ 9,252.00
Assistant Supervisor, School- house Planning	8,151.00
Secretary	3,893.00

D. Fixed Charges and Contributions:

D-4. Other Fixed Charges:

County Surveys	2,500.00
School Building Aid	12,899,420.00

Total Item 4 (School Buildings) ..	12,923,216.00
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Item 5. Debt Service:

D. Fixed Charges and Contributions:

D-4. Other Fixed Charges:

State School Bonds:

Principal	\$ 1,005,000.00
Interest	172,825.00

Total Item 5 (Debt Service)	\$ 1,177,825.00
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Total (State Educational Finance Commission)	23,112,689.00
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Schoolbook Commission:

A. Personal Service:

A-1. *Salaries:*

Director and Executive Secretary	\$ 12,000.00
Assistant Director	10,000.00
Secretaries and Accountants ..	51,445.00

A-3. *Special Payments:*

Per Diem of Board	600.00
Clerical Help	2,420.00

B. Contractual Services:

B-1. Freight, Express and Deliveries	1,800.00
B-2. Travel	7,260.00
B-3. Telegraph and Telephone ..	960.00
B-4. Repairs	250.00
B-5. Printing and Advertising ..	75.00

C. Supplies:

C-4. Office Supplies	5,600.00
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D. Fixed Charges and Contributions:

D-1. State Office Building Rental	8,362.00
D-2. Insurance	155.00
D-3. Contributions	45.00

G. Equipment:

G-1. Office Equipment	700.00
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Total (Schoolbook Commission) ..	\$ 101,672.00
For Salary and Wage Adjustments	\$ 159,401.00
For Salary and Wage Adjustments (State Educational Finance Commission)	\$ 6,340.00
For Salary and Wage Adjustments (Schoolbook Commission)	4,919.00

TOTAL (Superintendent of Education) 138,532,537.00

Provided, That the number of teachers qualifying for State Aid in 1966-67 shall be determined on the basis of average daily attendance of either the year 1965-66 or 1966-67, whichever year the attendance was greater.

Provided, Further, That notwithstanding the amount listed in this section as "State Aid for Teachers' Salaries" there is hereby appropriated for the fiscal year 1966-67 whatever amount is necessary to comply with the then existing salary schedule to those teachers who qualify by law for State Aid. Such salary schedule shall be based on one hundred eight-five days annually.

Provided, Further, that so much as may be necessary of the appropriation for payment of teachers' salaries, and for supervision and overhead, provided in this section, may be used to correct erroneous payments of prior years, which were due to improper classification or other justifiable causes.

Provided, Further, That the amount appropriated in this section for County School Lunch Supervisors shall be used for the payment of salaries of one supervisor for each county at the rate of \$3,989.00 each per year, and no such salary shall be supplemented from funds provided in this section for "School Lunch Program Aid".

Provided, Further, That the amount appropriated herein in this section for Aid to Counties in the School Lunch program shall be divided among the County Boards of Education of the State upon the basis of the number of schools participating in the School Lunch Program in each County in the school year 1965-66. *Provided, Further,* that travel expense of County School Lunch Supervisors shall be paid out of this appropriation at the prevailing rate of mileage allowed by the State. *Provided, Further,* that all expenditures of this appropriation by each of the County Boards of Education shall be made upon the joint recommendation of the County Superintendent of Education and the School Lunch Supervisor. Each County Superintendent shall, at the close of the fiscal year, submit to the State Superintendent of Education an itemized statement which shall indicate the disposition made of his county's share of this appropriation and any balance brought forward from the preceding year. Such records of the County Boards of Education shall be kept available for auditing by the accounting personnel of the State Superintendent of Education's office.

Provided, Further, That no pupil shall be refused lunch because of inability to pay, such inability to be determined by the local school superintendent and lunch room supervisor where the pupil attends.

Provided, Further, That in the distribution of State funds provided in this section for "Supervision and Overhead," and for "Maintenance and Operation," no pupil shall be counted as enrolled, or

as having been enrolled, in any public school of the State who has not attended such school at least 35 days during the school year on which the allocation of such funds is based. Provided, however, that a pupil shall be counted as enrolled only in the first district, or operating unit, he legally attended. *Provided, Further,* That funds allocated to each school district for "Maintenance and Operation" shall be expended for purposes and programs designed specifically for improving the quality of its instructional program and its accreditation status.

Provided, Further, That notwithstanding the amount in this section for "Supervision and Overhead," there is hereby appropriated, for the fiscal year 1966-67, an amount equal to the number of pupils enrolled in the public schools of the State during the fiscal year 1966-67, as determined by the State Superintendent of Education, multiplied by Five (\$5.00) Dollars.

Provided, Further, That notwithstanding the amount listed in this section for "Maintenance and Operation," or any Act or parts of Acts to the contrary notwithstanding, there is hereby appropriated for the fiscal year 1966-67 an amount equal to the number of pupils enrolled in the public schools of the State during the fiscal year 1966-67, as determined by the State Superintendent of Education, multiplied by Ten Dollars (\$10.00), and the State Superintendent of Education is hereby directed to allot and distribute this fund on that basis.

Provided, Further, That for the fiscal year 1966-67 the State shall pay on the salaries of County Superintendents of Education \$5,722.00 each on warrants approved by the State Superintendent of Education. In counties where schools are operated by the County Board of Education under a county unit system such payment for county superintendents of education may be applied by the Board of Education on the salary of the director or chief administrative officer of schools.

Provided, Further, That the authorities of the Area Trade Schools are authorized and directed to charge a tuition fee to students of not exceeding \$30.00 per semester, and to use the proceeds of such tuition fees for operation and/or permanent improvements. The amount of the tuition fees to be used for permanent improvements, and the nature of such improvements, shall be approved by the State Budget and Control Board.

Provided, Further, That the amount appropriated in this section for Education of Mentally and Physically Handicapped Children shall be used to reimburse school districts for expense incurred during the year 1966-67 in the operation of such programs in accordance with Act 882, Acts of 1958, but no district shall be reimbursed for more than 85% of such expense nor more than \$150.00 per child per year in average daily attendance.

Provided, Further, That the amount appropriated in this section for Non-Teaching Principals, Supervisors, and Special Teachers shall be allotted to school districts on the basis of one Non-Teaching Principal, Supervisor, or Special Teacher for each 30 state aid Teaching positions, and shall receive a proportionate part of a salary for any fraction thereof, for which each school district qualifies and employs. The amount allotted for each such Non-Teaching Principal, Supervisor, and/or Special Teacher shall be based on the state aid schedule in Section 21-258, Code of Laws of South Carolina, 1962, as amended in this Act, notwithstanding the provisions of Section 21-257, Code of Laws of South Carolina, 1962.

Provided, Further, That the State Budget and Control Board may approve supplements from Federal Funds to State appropriated salaries of personnel who are working with the Federal Projects and who are below existing salaries for comparable services in other state agencies and institutions.

Provided, Further, That of the amount appropriated in this section for Area Trade Schools, a sum not to exceed \$10,000.00 shall be expended for the operation of a course in diesel engine instruction.

Provided, Further, That, notwithstanding the amount listed in this section under "State Educational Finance Commission—School Building Aid", there is hereby appropriated for the fiscal year 1966-67 an amount equal to the number of pupils enrolled in the schools of the State during the fiscal year 1965-66, as determined by the State Department of Education, multiplied by Twenty (\$20.00) Dollars. *Provided,* That in the allocation of State Funds provided in this Section for "School Building Aid" no pupil shall be counted as enrolled, or as having been enrolled in any public school of the State who has not attended such school at least 35 days during the school year on which the allocation of such funds is based.

Provided, Further, That principal and interest payments due on any school bonds, the proceeds of which have not been allocated to

the counties of the State, shall be made from any such unallocated funds remaining in the State Treasury.

Provided, Further, That the State Board of Education is hereby authorized to sell used school buses that may be determined to be no longer safe or economical in transporting school children, and the proceeds of such sales may be expended for such additional equipment or the operation thereof.

Provided, Further, That school bus drivers shall be awarded a cash bonus of \$35.00 for safe driving at the end of the first semester and a \$35.00 cash bonus at the end of school, provided he has a perfect driving record, with no accidents for which he is responsible, and no infraction of rules or regulations and has driven more than sixty days during the semester for which the award is made. The determination of eligibility for the bonus shall be made by the local school officials and the State Educational Finance Commission. Awards will be made at the end of the first semester and at the end of school when buses are parked at the maintenance shop. It is further provided that a certificate of merit signed by the appropriate state and local officials shall be awarded to any driver who has driven more than one-half of the school year and who qualifies under the above provisions. Certificates of merit shall be awarded at commencement exercises.

Provided, Further, That out of the appropriation in this section for School Bus Operating Expense, the Board may purchase such number of service trucks as can be used to advantage in administering the transportation program.

Provided, Further, That any balance on June 30, 1966 in the appropriation for School Bus Operating Expense may be carried forward and budgeted for the purpose of Shop Construction and Equipment during the next fiscal year.

Provided, Further, That there may be expended from textbooks rentals whatever amount is necessary in connection with the repair, testing and redistribution of used textbooks.

SECTION 21

South Carolina Opportunity School

Administration	\$ 30,940.00
Instruction	65,528.00
Dietary	43,998.00
Infirmery	3,285.00
General Plant	84,790.00
Vocational Rehabilitation Diag- nostic Center	21,377.00
For Salary and Wage Adjust- ments	19,399.00
For Inter-Agency Council	593.00

TOTAL (S. C. Opportunity School) . \$ 269,910.00

SECTION 22State Educational Finance Commission
(Transferred to Section 20)**SECTION 23**

S. C. Educational Television Commission

Personal Service	\$ 482,331.00
Contractual Services	1,015,430.00
Supplies	77,705.00
Fixed Charges and Contribu- tions	49,496.00
Equipment	38,094.00
For Operation of Midland Open Circuit Station	194,120.00
Leasehold Improvements	2,000.00
For Salary and Wage Adjust- ments	39,756.00

TOTAL (S. C. Educational Television
Comm.) \$ 1,898,932.00

Provided, That prior to January 1, 1967 the principal of every school in this State using educational television shall report to his respective legislative delegation as to the grades of students being taught by educational television and those who are receiving classroom instruction only in the same subject, the number of classes being taught by educational television, a consensus opinion of the faculty of each such school as to the merits of educational television in relation to the expenditures made therefor and such other remarks as may be considered useful in evaluating the educational television program.

SECTION 24

South Carolina Library Board

For Administration:

A. Personal Service:

A-1. Salaries:

Director	\$ 7,301.00
Technical Service Librarian ...	5,948.00
Field Service Librarian	5,948.00
Library Assistant	3,926.00
Reference Librarian	5,834.00
Secretary-Bookkeeper	3,530.00
Catalog Assistant	3,530.00
Accession Assistant	3,356.00

A-2. Wages:

Janitor	305.00
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A-3. Special Payments:

Travel and Per Diem of Board Members	250.00
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B. Contractual Services:

B-1. Freight, Express and Deliveries	50.00
B-2. Travel	3,000.00
B-3. Telegraph and Telephone ..	500.00
B-4. Repairs	200.00
B-5. Printing and Advertising ...	400.00

C. Supplies:

C-4. Office Supplies	1,500.00
C-8. Motor Vehicle Supplies	200.00

D. Fixed Charges and Contributions:

D-1. State Office Building Rental	3,843.00
D-2. Insurance	300.00
D-3. Contributions (State Aid) ..	71,000.00
Service to the Blind	9,000.00

G. Equipment:

G-1. Office Equipment	400.00
G-4. Motor Vehicles and Equip- ment	200.00
G-7. Educational Equipment (Books for State Aid) ...	7,500.00
For Salary and Wage Adjust- ments	3,778.00

Total (South Carolina Library Board)	\$ 141,799.00
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SECTION 25

South Carolina Schoolbook Commission
(Transferred to Section 20)

SECTION 26**Advisory Committee for Technical Training**

Administration	\$ 71,035.00
Technical Education Centers ..	2,064,929.00
Technical Services	39,787.00
Special Schools	718,139.00
State Matching for STEP	240,000.00
For Salary and Wage Adjust- ments	146,082.00

Total (Advisory Committee for Technical Training)	\$ 3,279,972.00
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SECTION 27

Archives Department

Item 1. For Administration:

A. Personal Service:

A-1. *Salaries:*

Director	\$ 10,957.00
Assistant Director	7,949.00
Secretary and Bookkeeper	5,408.00
Asst. Secretary and Bookkeeper	3,605.00
Librarian	4,218.00
Museum Curator	3,785.00
Editorial Assistants (2)	9,417.00
Archivist	6,489.00
Supervisor of Document Re- pairs	5,000.00
Document Repairs (2)	7,931.00
Superintendent of Building and Grounds	4,867.00
Photographer	4,002.00
Historical Marker and Research Specialist	5,408.00
Historical Resources Coordina- tor	9,000.00
Asst. Coordinator	6,500.00
Secretary	3,600.00

A-2. *Wages:*

Janitor	3,300.00
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A-3. *Special Payments:*

Clerical Help	9,000.00
Travel and Per Diem	725.00

B. Contractual Services:

B-1. Freight, Express and De- liveries	50.00
B-2. Travel	1,100.00
B-3. Telegraph and Telephone ..	1,000.00
B-4. Repairs	9,742.00
B-5. Printing and Editing His- torical Documents	6,000.00
B-6. Water, Heat, Light and Power	8,000.00

C. Supplies:	
C-4. Office Supplies	2,500.00
C-5. Household, Laundry and Janitorial Supplies	700.00
C-8. Motor Vehicle Supplies ...	200.00
C-9. Agricultural Supplies	100.00
D. Fixed Charges and Contributions:	
D-2. Insurance	600.00
G. Equipment:	
G-1. Office Equipment	2,000.00
G-7. Educational Equipment	2,500.00
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Total Item 1 (Administration)	\$ 145,653.00
Item 2. Calhoun Papers Project:	
For Administration:	
A. Personal Service:	
A-1. <i>Salaries</i> :	
Regular Staff	\$ 16,212.00
B. Contractual Services:	
B-2. Travel	500.00
B-4. Repairs	50.00
C. Supplies:	
C-4. Office Supplies	150.00
G. Equipment:	
G-7. Educational Equipment	150.00
<hr/>	
Total Item 2 (Calhoun Papers Pro- ject)	\$ 17,062.00
Item 3. State Records Survey Project:	
A. Personal Service:	
A-1. <i>Salaries</i> :	
Records Analyst	\$ 8,000.00
Assistant Records Analyst	6,500.00
Secretary	3,600.00
C. Supplies:	
C-4. Office Supplies	500.00

G. Equipment:

G-1. Office Equipment 1,000.00

Total Item 3 (State Records Survey

Project) \$ 19,600.00

For Salary and Wage Adjustments. 10,704.00

GRAND TOTAL (Archives Depart-
ment)

\$ 193,019.00

Provided, That the Commission is authorized to supply one free copy of each new publication to the libraries of the University of South Carolina, The Citadel, Clemson, Winthrop, and S. C. State College; to each member of the Commission and its Directors; to the State Library; to each public library which is approved for a cash allotment by the South Carolina State Library Board; and to each former member of the Commission living in South Carolina.

Provided, Further, That the proceeds of sales of publications and reproductions of documents by the Archives Department shall be deposited in a special account in the State Treasury, and may be used by this department to cover the cost of additional printing and reproductions.

SECTION 28

State Library

For Administration:

A. Personal Service:

A-1. *Salaries*:

Librarian\$ 6,089.00

Assistant Librarian (Part
Time) 2,400.00A-2. *Wages*:

Porter Service 2,379.00

Laborers 515.00

A-3. *Special Payments*:

Clerical Help 750.00

B. Contractual Services:

B-1. Freight, Express and Deliver-
ies 500.00

B-2. Travel 460.00

B-3. Telegraph and Telephone .. 200.00

B-4. Repairs 700.00

B-5. Printing, Advertising and Binding	250.00
C. Supplies:	
C-4. Office Supplies	500.00
D. Fixed Charges and Contributions:	
D-2. Insurance	10.00
D-3. Contributions (Association Dues)	40.00
G. Equipment:	
G-1. Office Equipment	200.00
G-7. Educational Equipment ..	500.00
G-8. Other Equipment	50.00
For Salary and Wage Adjustments	1,138.00
TOTAL (State Library)	\$ 16,681.00

Provided, that in addition to the distribution of the Acts and Joint Resolutions as provided for in Section 1-564, Code of Laws of South Carolina, 1962, each county Solicitor shall receive one copy.

SECTION 29

Confederate Relic Room

For Administration:

A. Personal Service:	
A-1. <i>Salaries</i> :	
Custodian	\$ 3,607.00
A-3. Special Payments:	
Clerical Help	140.00
For Salary and Wage Adjustments	361.00
B. Contractual Services:	
B-3. Telegraph and Telephone ..	185.00
B-4. Repairs	60.00
C. Supplies	40.00
G. Equipment:	
G-1. Office Equipment	40.00
TOTAL (Confederate Relic Room) .	\$ 4,433.00

SECTION 30

State Department of Public Welfare

Item 1. Administration	\$1,919,554.00
For Salary and Wage Adjust- ments	306,196.00
Item 2. Cash Assistance:	
(a) Old Age	2,700,000.00
(b) Blind	360,000.00
(c) Dependent Children	900,000.00
(d) Aid to Permanently and Totally Disabled	1,400,000.00
(e) Foster Home Care	675,000.00
Total (Item 2) Cash Assistance ...	\$6,035,000.00
Item 3. General Relief	\$ 375,000.00
Item 4. Miscellaneous:	
(a) Eye Examination and Treatment of and Training Blind	\$ 235,000.00
Item 5. Care of Persons Transferred from Confederate Home ..	5,000.00
TOTAL (State Department of Public Welfare)	\$ 8,875,750.00

Provided, That any balances of appropriations for this Department, which are unexpended on June 30, 1966, may be carried forward and expended during the fiscal year 1966-67 for such purposes as may be deemed by the Board to be in the best interest of the work of the Department. *Provided, However*, That the amount carried forward shall not exceed five per cent (5%) of the amount appropriated for the fiscal year 1965-66 in any category.

Provided, Further, That the basis of monthly benefit payments during the year 1965-66 in the old age category shall be maintained during the year 1966-67.

Provided, Further, That the sums herein appropriated shall be so distributed that every applicant who is found eligible shall receive some benefit.

Provided, Further, That effective July 1, 1966, the Department of Public Welfare is hereby directed to institute a revised schedule of salaries paid county welfare department employees from State sources, so as to absorb county supplements now paid such employees. The revised schedule shall be uniformly applied to all counties. On and after July 1, 1966 county supplements of welfare department personnel shall be prohibited except in any instance where continued supplementing may be necessary to avoid a reduction in the present salary of any employee.

SECTION 31

State Department of Mental Health

Item I.	Office of the State Commissioner of Mental Health ..	\$ 21,411.00
Item II.	Administrative Services ..	359,577.00
Item III.	Community Mental Health Services	510,055.00
Item IV.	Division of Research and Training	26,936.00
Item V.	Psychiatric Hospital Services	11,172,948.00
Item VI.	Mental Retardation Services	867,328.00
	For Salary and Wage Adjustments	785,211.00

TOTAL (State Department of Mental Health) 13,743,466.00

Provided, That of the amount appropriated in this Section, the Commission is directed to equalize the compensation of men and women employees in any instances where inequities in such compensation now exists.

SECTION 32

Whitten Village

Personal Service	\$2,444,292.00
Other Operation Expense	1,348,628.00
For Salary-Wage Adjustments	237,333.00

TOTAL (Whitten Village) \$4,030,253.00

Provided, That the authorities of Whitten Village are authorized to sell or otherwise dispose of the present herd of beef cattle, the proceeds of which shall be used to improve and expand dairy operations and facilities.

SECTION 33

Retarded Children's Habilitation Center

For Salary and Wage Adjust-	
ments	3,880.00
Evaluation Clinic	112,000.00
Residential Facility	100,000.00
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TOTAL (Retarded Children's Habili-	
tation Center)	\$ 215,880.00

SECTION 34

State Agency of Vocational Rehabilitation

Administration	\$ 55,435.00
Case Services to Clients	900,124.00
Special Projects	14,342.00
For Salary and Wage Adjust-	
ments	34,701.00
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TOTAL (State Agency of Voc. Re-	
habilitation)	\$ 1,004,602.00

Provided, That any balance in the appropriation for Vocational Rehabilitation for the year 1965-66, but not in excess of 5% thereof, may be carried forward and expended for the same purposes during the fiscal year 1966-67.

SECTION 35

South Carolina Sanatorium

Administration	\$ 71,200.00
Care of Patients	571,696.00
Education—Child Patients	2,100.00
Dietary	222,354.00
Plant Maintenance	158,583.00
Dairy and Farm	51,103.00

County Sanatoria	65,000.00
For Salary and Wage Adjust- ments	77,820.00

TOTAL (South Carolina Sanatorium) \$ 1,219,856.00

Provided, That revenue derived from the sale of farm products at this institution shall be remitted to the State Treasurer for credit to this appropriation and used for the operation of this institution.

Provided, That the State of South Carolina shall pay to the County Tubercular Sanatoriums in Charleston, Greenville and Spartanburg Counties, \$1.50 per day for each tubercular patient hospitalized and receiving treatment in such sanatorium and \$1.50 per day shall be deducted from the amount payable to county Sanatoria for each patient admitted to the South Carolina Sanatorium from such county: *Provided, However*, That all payments made by the State under the provisions hereof shall be approved by the South Carolina Sanatorium. And, in order to provide a means whereby the South Carolina Sanatorium may act intelligently in approving such payments, the diagnosis and condition of patients paid for by the State, and the standard of such sanatoria shall be subject to such checks and inspection at such intervals as the South Carolina Sanatorium may prescribe.

Provided, Further, That applicants for admission to this institution shall be referred to the State Department of Public Welfare for investigation as to their ability to pay for treatment at the institution and such applicants who are found able to pay shall be charged an appropriate fee for such services.

SECTION 36

S. C. Commission on Alcholism

Operation and Maintenance of Treatment and Rehabilita- tion Center	\$ 141,052.00
Administration and Adult Edu- cation	58,996.00
Community Services	8,000.00
State Office Building Rental ..	4,913.00

For Matching Federal Funds for Enlargement of Treatment and Rehabilitation Facilities	3,130.00
For Salary and Wage Adjust- ments	15,309.00

TOTAL (S. C. Commission on
Alcoholism) \$ 231,400.00

Provided, That all revenues received from patient care may be re-
tained and used for operation of the institution.

SECTION 37

Children's Bureau

For Administration:

A. Personal Service:

A-1. Salaries:

Executive Director	\$ 7,733.00
Case Work Supervisors	7,246.00
Field Workers	65,444.00
Secretary	4,164.00
Office Manager—Bookkeeper ..	5,227.00
Stenographer	3,647.00
Stenographer and File Clerk ..	3,393.00
Stenographer	3,500.00
Stenographer	3,500.00

A-3. Special Payments:

Per Diem and Travel—Board of Directors	1,500.00
Professional Fees	8,500.00
Maternity and Hospital Care ..	10,000.00
In Service Training—Educa- tional Leave	3,000.00
For Salary and Wage Adjust- ments	8,036.00

B. Contractual Services:

B-2. Travel:

For Employees	22,000.00
For Children (Care and Subsis- tence)	33,000.00

B-3. Telegraph and Telephone .. 2,200.00

B-4. Repairs	400.00	
B-5. Printing and Advertising ..	300.00	
C. Supplies:		
C-4. Office Supplies	1,500.00	
C-6. Medical Supplies	500.00	
C-7. Educational Supplies	100.00	
C-10. Clothing and Dry Goods ..	1,000.00	
D. Fixed Charges and Contributions:		
D-1. State Office Building Rental	6,136.00	
D-3. Contributions	765.00	
G. Equipment:		
G-1. Office Equipment	2,500.00	
TOTAL (Children's Bureau)		\$ 205,291.00

SECTION 38

South Carolina Probation, Parole and Pardon Board

For Administration:

A. Personal Service:

A-1. *Salaries:*

Director	\$ 11,099.00
Supervisor of Paroles	9,815.00
Administrative Assistant	7,852.00
Field Supervisor	6,908.00
Fugitive Officers	6,908.00
Training Officer	7,599.00
Secretary	4,319.00
Stenographer	3,713.00
Steno-File Clerk No. 1	3,713.00
Steno-File Clerk No. 2	3,319.00
Steno-File Clerk No. 3	3,400.00
Stenographers For Probation Officers	97,134.00
Probation and Parole Officers..	378,529.00

A-3. Special Payments:

Per Diem of Board	2,000.00
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B. Contractual Services:

B-2. Travel	79,750.00
B-3. Telegraph and Telephone ..	2,500.00
B-4. Repairs	500.00

C. Supplies:	
C-4. Office Supplies	6,000.00
D. Fixed Charges and Contributions:	
D-1. State Office Building Rental	12,138.00
D-2. Insurance	35.00
D-3. Contributions (Association Dues)	100.00
G. Equipment:	
G-1. Office Equipment	5,000.00
For Salary and Wage Adjust- ments	47,065.00
<hr/>	
TOTAL (South Carolina Probation, Parole and Pardon Board)	\$ 699,396.00

SECTION 39

Department of Corrections

Administration	\$ 154,919.00
Operation of Penal Institutions	2,149,138.00
For Salary and Wage Adjust- ments	110,983.00

TOTAL (Department of Corrections) \$ 2,415,040.00

Provided, That the salaries of the Director and Assistant Director shall be fixed by the Board of Directors of the Department of Corrections.

Provided, Further, That from and after the passage of this Act no charge shall be made against the counties of the State for the maintenance of prisoners admitted to the Department of Corrections for safekeeping for the first 90 days of such safekeeping, when a proper showing is made by the county authorities that there is sufficient necessity for the admission of such prisoners, but a charge of One Dollar and Thirty-five (\$1.35) Cents for each day in excess of ninety (90) days shall be made to the county from which such prisoner is committed, and such charge shall be paid monthly.

Provided, Further, That when any prisoner is sentenced and is committed to the Department of Corrections no charge shall be made against a county.

Provided, Further, That after consultation with the State Forester, mature trees and trees suitable for pulp wood or fence posts may be sold in a program of forest improvement. The funds derived from any such sale shall be deposited with the State Treasurer to be placed in the General Fund.

Provided, Further, That revenue derived wholly from the sale of farm products may be retained by the Department of Corrections and used in its operation.

Provided, Further, Whenever a convict shall be discharged from the Department of Corrections the Board of Directors thereof shall furnish such convict with a suit of common clothes, if deemed necessary, and transportation from the Department of Corrections to his home, if his home be within this State, or to the County from which he was sentenced if his home be without this State.

Provided, The Department of Corrections is directed to charge the Mental Health Commission for all milk produced by the Department and furnished the Commission, the amount charged to be the same as the wholesale rate prevailing in the Columbia area. An accounting of the cost of milk produced and so furnished shall be kept and any net revenue from payments received remaining at the end of the fiscal year shall be deposited in the State Treasury to the credit of the General Fund. *Provided, Further,* that sales of milk by the Department to the Mental Health Commission or any other agency of the State government shall be exempt from the retail sales tax.

SECTION 40

State Industrial School's Board

Item 1. For Administration:

A. Personal Service:

A-3. Special Payments:

Per Diem and Expense of Board

Members	\$ 4,000.00
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Item 2. General Supervision:

A. Personal Service:

A-1. Salaries:

Director	\$ 12,000.00
Secretary	4,200.00
General Maintenance Supervisor	5,200.00

B. Contractual Services:

B-2. Travel	600.00
B-3. Telegraph and Telephone ..	300.00
B-6. Water, Heat, Light and Power	500.00

C. Supplies:

C-4. Office Supplies	500.00
C-8. Motor Vehicle Supplies	500.00

D. Fixed Charges and Contributions:

D-2. Insurance	200.00
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G. Equipment:

G-1. Office Equipment	500.00
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Total Item 2 (General Supervision) \$ 24,500.00

Item 3. Juvenile Placement Bureau:

A. Personal Service:

A-1. *Salaries:*

Director	\$ 8,046.00
Assistant Director	6,187.00
Secretary	3,884.00
Workers	15,585.00
Worker	5,195.00
Worker	5,195.00

B. Contractual Services:

B-2. Travel	16,500.00
B-3. Telegraph and Telephone ..	450.00

C. Supplies:

C-4. Office Supplies	700.00
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D. Fixed Charges and Contributions:

D-1. State Office Building Rental	1,080.00
D-2. Insurance	60.00
D-3. Contributions—Association Dues	35.00

G. Equipment:	
G-1. Office Equipment	200.00
For Salary and Wage Adjust- ments	5,510.00
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Total (Item 3) Juvenile Placement Bureau	\$ 68,627.00
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TOTAL (State Industrial Schools' Board)	\$ 97,127.00

SECTION 41

South Carolina School for Boys

Personal Service	\$ 248,535.00
Contractual Services	24,325.00
Supplies	88,900.00
Fixed Charges	5,570.00
Equipment	11,650.00
For Salary and Wage Adjust- ments	22,343.00
<hr/>	
TOTAL (S. C. School for Boys)	\$ 401,323.00

Provided, That revenue derived from the sale of farm products grown at this institution shall be remitted to the State Treasurer for credit to this appropriation and used for the operation of the said institution.

SECTION 42

South Carolina School for Girls

Personal Service	\$ 93,155.00
Contractual Services	15,150.00
Supplies	46,000.00
Fixed Charges	2,725.00
Equipment	6,300.00
For Salary and Wage Adjust- ments	9,216.00
<hr/>	
TOTAL (S. C. School for Girls)	\$ 172,546.00

Provided, that revenue derived from the sale of farm products grown at this institution shall be remitted to the State Treasurer for

credit to this appropriation and used for the operation of the said institution.

SECTION 43

John G. Richards School for Boys

Personal Service	\$ 211,178.00
Contractual Services	20,800.00
Supplies	69,819.00
Fixed Charges	5,050.00
Equipment	13,500.00
Vocational Training	18,287.00
For Salary and Wage Adjust- ments	21,347.00

TOTAL (John G. Richards School for
Boys) \$ 359,981.00

Provided, That revenue derived from the sale of farm products grown at this institution shall be remitted to the State Treasurer for credit to this appropriation and used for the operation of the said institution.

SECTION 44

Riverside School for Girls

Personal Service	\$ 79,236.00
Contractual Services	7,475.00
Supplies	31,900.00
Fixed Charges	1,075.00
Equipment	5,300.00
For Salary and Wage Adjust- ments	7,534.00

TOTAL (Riverside School for Girls) \$ 132,520.00

Provided, That revenue derived from the sale of farm products grown at this institution shall be remitted to the State Treasurer for credit to this appropriation and used for the operation of the said institution.

SECTION 45

State Budget and Control Board

Section 1. Finance Division:

A. Personal Service:

A-1. *Salaries*:

General Administration:

State Auditor	\$ 16,680.00
Special Assistant	12,900.00
Secretary	6,000.00
Budget Officer	11,600.00
Budget Assistant	5,500.00

Division of Post Audits:

Auditor of Public Accounts ...	12,900.00
Auditors	44,341.00

Division of Engineering:

Chief Engineer	11,000.00
Engineer—Structural	9,193.00
Engineer—Mechanical	8,500.00
Secretary	5,000.00

State-Federal Relations:

Coordinator	12,000.00
Secretary	5,000.00
Additional Personnel	65,216.00

A-2. *Wages*:

Porter Service	2,529.00
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A-3. *Special Payments*:

Clerical Help	5,884.00
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B. Contractual Services:

B-2. Travel	9,000.00
B-3. Telegraph and Telephone ..	1,600.00
B-4. Repairs	750.00

C. *Supplies*:

C-4. Office Supplies	2,300.00
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D. Fixed Charges and Contributions:

D-1. Rents	800.00
State Office Building Rental ..	11,437.00
D-2. Insurance	500.00
D-3. Contributions (Association Dues)	50.00

E. Civil Contingent Fund	150,000.00
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G. Equipment:

G-1. Office Equipment	2,000.00
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For Salary and Wage Adjust- ments	18,303.00
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Office of Economic Opportunity: To Match Federal Funds	11,000.00
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TOTAL Section 1 (Finance Division)	\$ 441,983.00
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Section 2. Division of General Services:

Item 1. General Administration:

A. Personal Service:

A-1. Salaries:

General Administration:

Division Director	\$ 15,300.00
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Secretaries	9,476.00
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Clerks	13,132.00
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Departmental Services:

Assistant Director	11,850.00
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Unit Supervisors	13,500.00
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Machine Operators—Data Proc- essing	25,300.00
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Clerks—Records Management	24,108.00
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Clerks—Supply	8,400.00
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Telephone Operators	15,600.00
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State Insurance:

Chief of Insurance	10,270.00
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Clerks	8,307.00
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Field Agents	14,070.00
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State Buildings and Grounds:

Maintenance Men	14,700.00
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Watchmen	16,381.00
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Custodian Fort Moultrie	1,200.00
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State Electricians	6,116.00
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State Purchasing:

State Purchasing Officer	10,806.00
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Purchasing Assistants	42,837.00
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Stenographers and Clerks	20,290.00
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State Printing:	
State Printing Officer	10,800.00
Secretary	3,840.00
A-2. Wages:	
State Buildings and Grounds ..	20,600.00
A-3. Special Payments:	
Temporary Help	5,000.00
For Salary and Wage Adjust- ments	31,688.00
General Operating:	
B. Contractual Services:	
B-1. Freight, Express and De- liveries	100.00
B-2. Travel	14,000.00
B-3. Telegraph and Telephone ..	6,000.00
B-4. Repairs:	
Equipment	1,200.00
B-5. Printing and Advertising:	
Regular	800.00
Printing State Documents	225,000.00
University Library—Exchange	1,000.00
B-6. Water, Heat, Light and Power	132,500.00
C. Supplies:	
C-2. Fuel and Refrigeration Sup- plies	7,000.00
C-4. Office Supplies	12,500.00
C-9. Agricultural Supplies	10,000.00
C-10. Clothing and Dry Goods ..	700.00
C-12. Other Supplies	3,000.00
D. Fixed Charges and Contributions:	
D-1. Rents	34,796.00
State Office Building Rental ..	80,619.00
Temporary Departmental Office Rent	37,838.00
D-2. Insurance	2,450.00
D-3. Contributions and Dues ...	100.00
D-4. Amortization of Building Debt Applicable to Non- Rental Property	11,486.00

G. Equipment:

G-1. Office Equipment	2,000.00
G-8. Maintenance—Buildings and Grounds	7,000.00

Total Item 1 (General Administration)

\$ 943,660.00

Item 2. Surplus Property Procurement:

A. Personal Service:

A-1. *Salaries:*

State Surplus Property Officer \$	9,919.00
Field Agents	21,285.00
Stenographers	14,807.00
Clerks	16,700.00
Warehousemen	27,525.00

A-2. Wages

41,800.00

For Salary and Wage Adjustments .

12,876.00

B. Contractual Services:

B-1. Freight, Express and Delivery	36,000.00
B-2. Travel	11,000.00
B-3. Telegraph and Telephone ..	3,000.00
B-4. Repairs	4,500.00
B-6. Water, Heat, Light and Power	2,000.00
B-7. Other Contractual Services .	2,000.00

C. Supplies:

C-2. Fuel and Refrigeration Supplies	500.00
C-4. Office Supplies	3,500.00
C-8. Motor Vehicle Supplies ...	4,000.00

D. Fixed Charges and Contributions:

D-1. Rents	4,800.00
State Office Building Rental ..	4,995.00
D-2. Insurance	1,000.00
D-3. Contributions and Dues ...	50.00
D-4. Other Fixed Charges	25.00

G. Equipment:

G-1. Office Equipment	400.00
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Total Item 2 (Surplus Property Procurement)	
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	\$ 222,682.00
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Total (Division of General Services)	
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	\$1,166,342.00
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Section 3. Retirement:

A. Personal Service:

A-1. *Salaries:*

Director	\$ 14,402.00
Assistant Director	9,571.00
Secretary	5,348.00
Chief Accountant	7,143.00
General Bookkeeper—	
Supervisor	5,576.00
Junior Accountant	5,252.00
Senior Bookkeeper	5,257.00
Steno-Clerks	43,114.00
Posting Machine Operators (4)	15,576.00
Register Clerk	3,930.00
Typist-Clerks	14,918.00
Bookkeeper	3,929.00
Senior Clerk	3,772.00
Disbursement Clerk	3,772.00
Junior Clerks	11,296.00
Retirement Clerk	3,772.00

A-2. Wages:

Messenger-Janitor	1,981.00
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A-3. Special Payments and Clerical Help:

Actuary	12,400.00
Medical Board	3,267.00
Clerical Help	1,344.00

B. Contractual Services:

B-2. Travel	4,000.00
B-3. Telegraph and Telephone ..	1,650.00
B-4. Repairs	3,000.00
B-7. Other	75.00

C. Supplies:		
C-4. Office Supplies	10,500.00	
Postage	7,375.00	
D. Fixed Charges and Contributions:		
D-1. Rents	5,926.00	
State Office Building Rental ..	12,821.00	
D-2. Insurance	300.00	
D-3. Contributions	95.00	
G. Equipment:		
G-1. Office Equipment	8,000.00	
For Salary and Wage Adjust- ments	15,291.00	
Total (Administration)		\$ 244,653.00
State Employer Contribution:		
State Retirement System ...	\$28,881,665.00	
Police System:		
Police Officers	\$ 275,000.00	
Retired Persons Under Old P. I. & A. Fund	300,000.00	
Total (State Employer Contribu- tion)		29,456,665.00
Total (Retirement Division)		29,701,318.00
Section 4. Administration of State		
Fire Marshal's Office		\$ 86,760.00
GRAND TOTAL (State Budget and Control Board)		31,396,403.00

Provided, That warrant requisitions for the disbursement of funds appropriated in this Section shall be approved by the respective division heads. *Provided, Further*, That the Civil Contingent Fund, appropriated in Item 1 of this Section, shall be expended only upon unanimous approval of the State Budget and Control Board, and upon warrant requisitions signed as directed by the State Budget and Control Board, to meet emergency and contingent expense of the State Government. *Provided, Further*, That none of the Civil Contingent Fund shall be used to increase the salary of any State employee when such salary is specifically fixed in this Act.

Provided, Further, That the State Budget and Control Board shall file with the South Carolina General Assembly detailed report of all expenditures from the Civil Contingent Fund.

Provided, That notwithstanding the amount appropriated in Section 3 of this Section as "State Employer Contribution," the State Treasurer and Comptroller General are hereby authorized and directed to transfer from the General Fund of the State to the proper Retirement System Accounts, month by month, during the fiscal year 1966-67, such funds as are necessary to comply with the terms of the Retirement Act as amended, as to contributions by the State of South Carolina to the Retirement System.

Provided, Further, That each department, commission, agency, and/or instrumentality of the State of South Carolina, whose employees are covered by the South Carolina Retirement Act, and any part of whose administrative funds are derived from sources other than direct appropriations by the General Assembly, shall pay from such administrative funds a proportionate share of the State's contributions to the Retirement System Account.

Provided, Further, That the State Highway Department shall pay from Highway revenues that portion of the State's contribution to the Retirement System which is occasioned by the coverage of State Highway employees.

Provided, Further, That if any County or Municipality shall become 90 days delinquent in any payments due the Retirement System, the Retirement System shall certify such amount to the State Treasurer, and the State Treasurer is hereby directed to withhold from the next distribution of any revenue due such County or municipality, the amount so certified to him, and apply same to the Retirement System account of such County or municipality to cover such delinquency.

Provided, Further, That the State Budget and Control Board is authorized and empowered to employ special agents to examine insurance risks carried by the said Board, and to perform any other duties which may be required of them, and the cost of necessary supplies, equipment, and travel expenses of the special agents, shall be paid from the revenues of the Insurance Sinking Fund.

Provided, Further, That the employment of Dr. L. C. Stukes, Health Officer of the Clarendon County Health Unit, Dr. J. E. Brodie, Health Officer of the Lexington County Health Unit, Dr. T. K. Fairey, Health Officer of the Edgefield-Saluda County Health

Unit, C. A. Johnson, field consultant, Educational Finance Commission, the Assistant State Treasurer, Dr. George Benet, Chief Surgeon of the S. C. State Hospital, Nell H. Metzger, by the Darlington County Public Library; Harry C. Allison, Chief Radiology Technician by the Mental Health Commission; Henry Shipp by the General Services Division of the Budget and Control Board; and M. R. Wolling by the Wildlife Resources Department, may continue notwithstanding the age requirement of the State Retirement System.

Provided, The Budget and Control Board, through its Division of General Services, is authorized to provide such services for the benefit of the several departments and agencies of the State Government as will, in its opinion, promote efficient and economical operations, including among such services the operation of a motor pool and a centralized telephone system, and to charge departments and agencies for such services, the revenue from which shall be deposited in the State Treasury in a special account and expended only for the cost of providing such services.

Provided, The resale of office supplies or other commodities and services by the General Services Division to departments and agencies of the State Government shall not be subject to retail sales tax if such tax shall have been paid on the original purchase thereof by the Division.

Provided, That the General Fund shall be reimbursed by the following sources and amounts to partially cover appropriations in this section for the Division of General Services.

1. Insurance Sinking Fund	\$ 85,293.00
2. Ordinary Sinking Fund	2,450.00
3. Surplus Property Revolving Fund	222,490.00

Provided, Further, That no department, institution or agency of the State Government shall rent, purchase or lease any data processing equipment or rent or lease office space or other real property within the Columbia area without approval of the State Budget and Control Board. *Provided, However,* That this shall not be applicable to the State Highway Department.

SECTION 46

Board of Health

Central Administration	\$ 1,183,657.00
Hospital Care—Cancer	450,000.00
Hospital Care—Crippled Children	60,000.00
Hospital Care—Speech Therapy	8,000.00
Convalescent Home	85,050.00
Orthopedic Camps	25,170.00
Drugs and Biologics	51,000.00
VD Control	2,400.00
Insect Control Program	105,060.00
Health Mobilization	20,360.00
For Patrolling Coastal Shell Fish Areas	35,450.00
Home Health Services	20,000.00
For Salary and Wage Adjustments (Central Administration)	88,827.00
Aid to County Health Units	1,384,081.00
For Salary and Wage Adjustments (County Health Units)	133,423.00

Total (Board of Health) \$ 3,652,478.00

Provided, Further, That State funds herein provided for aid to county health departments shall be distributed on a basis approved by the Executive Committee of the State Board of Health so that no county shall receive less State funds than for the fiscal year 1965-66.

Provided, further, that Federal funds made available to the State Board of Health, that can be allotted to the counties of the State for operation of county health units, shall be distributed among the counties of the State on a basis approved by the Executive Committee of the State Board of Health so that no county shall receive more Federal funds until each county has received an amount equal to those amounts made available for the fiscal year 1965-66.

Provided, Further, That both State and Federal Funds allotted to any County Health Department shall be withheld from such county

until a sum equal to twenty (20¢) cents per capita for the county's population, according to the 1950 Federal Census, shall have been provided by such county for use by its County Health Department in carrying on proper health programs to be agreed upon by the County Legislative Delegation and the State Board of Health, *Provided, However,* That if it is found that in any county a suitable health unit can be operated at less cost than is provided herein by the prescribed distribution of State and Federal Funds and the amount of twenty (20¢) cents per capita from local funds, County and State funds for the support of such unit shall be reduced in the same ratio.

Provided, Further, That the allocation of all Federal funds made available to the State Board of Health, including the allocation of such funds among the counties of the State for County and District Health Work, shall be approved by the State Budget and Control Board.

Provided, Further, That any unused State and/or Federal Funds, allocated and budgeted to a county, shall, subject to the approval of the Senator and a majority of the House Members of such county, be made available to the State Board of Health for redistribution on the basis of need as determined by the State Board of Health.

Provided, Further, That from funds available for the operation of Cancer Clinics, a clinic shall be maintained and operated at Self Memorial Hospital at Greenwood.

Provided, Further, That out of the appropriation provided in this section for State Aid to County Health Units, the sum of \$25,000.00 shall be distributed to the county health departments by the State Health Officer, with the approval of the Executive Committee of the State Board of Health, for the following purposes:

1. To insure the provision of a reasonably adequate public health program in each county.
2. To provide funds to combat special health problems that may exist in certain counties.
3. To establish and maintain demonstration projects in improved public health methods in one or more counties in the promotion of better public health service throughout the State.
4. To encourage and promote local participation in financial support of the county health departments.
5. To meet emergency situations which may arise in local areas.
6. To fit funds available to amounts budgeted when small differences occur.

Provided, Further, That the State Budget and Control Board may approve supplements from Federal Funds to State appropriated salaries of personnel who are below existing salaries for comparable services in other state agencies and institutions.

SECTION 47

S. C. Pollution Control Authority

For Administration:

A. Personal Service:

A-1. *Salaries:*

Executive Director (P.T.) . . . \$	4,921.00
Assistant Director	9,786.00
Pollution Control Engineers . .	26,389.00
Chemists	11,695.00
Secretary	4,469.00
Laboratory Technician	4,328.00
Radiological Laboratory Technician	5,407.00
Water Sample Takers	15,147.00
Radiological—Industrial Engineer	9,257.00
Stenographer	3,585.00

A-3. Special Payments:

Travel and Per Diem of Board Members	1,750.00
Special Fees	600.00

B. Contractual Services:

B-2. Travel	8,800.00
B-3. Telegraph and Telephone . .	500.00
B-4. Repairs	750.00
B-6. Water, Heat, Light and Power	400.00
B-7. Hearings	250.00

C. Supplies:

C-4. Office Supplies	750.00
C-8. Motor Vehicle Supplies . . .	1,500.00
C-11. Laboratory Supplies	1,000.00

D. Fixed Charges and Contributions:

D-1. Rents	100.00
D-2. Insurance	480.00
D-3. Cooperative Agreement—U. S. Geological Survey	5,000.00

G. Equipment:

G-1. Office Equipment	1,500.00
G-8. Laboratory Equipment	1,000.00
For Salary and Wage Adjust- ments	8,807.00

Total (S. C. Pollution Control Au- thority)	\$ 128,171.00
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SECTION 48**State Dairy Commission****For Administration:****A. Personal Service:****A-1. Salaries:**

Director	\$ 8,652.00
Auditors	37,268.00
Inspector	6,556.00
Secretaries	8,382.00

A-3. Special Payments:

Per Diem and Travel for Com- missioners (8)	3,500.00
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B. Contractual Services:

B-2. Travel	12,100.00
B-3. Telegraph and Telephone ..	1,500.00
B-4. Repairs	350.00

C. Supplies:

C-4. Office Supplies	2,000.00
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D. Fixed Charges and Contributions:

D-1. State Office Building Rental	4,054.00
D-2. Insurance	17.00
For Salary and Wage Adjust- ments	6,785.00

TOTAL (State Dairy Commission) .	\$ 91,164.00
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SECTION 49

State Tax Commission

Item 1. Administrative Division:

A. Personal Service:

A-1. *Salaries:*

Chairman	\$ 14,550.00
Commissioners	52,112.00
Executive Secretary	11,325.00
Administrative Assistants	28,596.00
Clerks	48,746.00
Service Clerks	111,453.00
Secretaries	57,060.00
Warrant Officers	90,390.00
Temporary Help	10,000.00

A-2. *Wages:*

Janitor	780.00
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Total (Item 1) Administrative Division	\$ 425,012.00
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Item 2. Estate Tax Division:

A. Personal Service:

A-1. *Salaries:*

Director	\$ 11,220.00
Steno-Clerks	7,787.00
Auditors	24,324.00

Total (Item 2) Estate Tax Division	\$ 43,331.00
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Item 3. Property Tax Division:

A. Personal Service:

A-1. *Salaries:*

Director	\$ 11,220.00
Assistant Director	10,590.00
Clerks	37,184.00
Field Agents	57,321.00
Assessment Supervisors	62,226.00

Total (Item 3) Property Tax Division	\$ 178,541.00
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Item 4. Income Tax Division:

A. Personal Service:

A-1. *Salaries:*

Director	\$ 11,220.00
Secretaries	31,420.00
Clerks	268,313.00
Auditors	475,579.00

Total (Item 4) Income Tax Division \$ 786,532.00

Item 5. License Tax Division:

A. Personal Service:

A-1. *Salaries:*

Director	\$ 11,220.00
Secretaries	20,212.00
Clerks	40,414.00
Auditors	112,933.00
Field Agents	93,910.00

Total (Item 5) License Tax Division \$ 278,689.00

Item 6. Beer and Wine and Alcoholic
Liquors Division:

A. Personal Service:

A-1. *Salaries:*

Director	\$ 11,220.00
Secretaries	13,087.00
Clerks	33,788.00
Examiners	18,950.00
Investigators	76,368.00

Total (Item 6) Beer and Wine and
Alcoholic Liquors Division \$ 153,413.00

Item 7. Sales Tax Division:

A. Personal Service:

A-1. *Salaries:*

Director	\$ 11,220.00
Secretaries	58,072.00

Clerks	184,166.00	
Auditors	656,017.00	
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Total (Item 7) Sales Tax Division		\$ 909,475.00
Item 8. Data Processing Division:		
A. Personal Service:		
A-1. <i>Salaries:</i>		
Director	\$ 11,220.00	
Systems Analysis Unit	32,524.00	
Accounting Unit	63,935.00	
Machine Operators	158,139.00	
Temporary Help	2,500.00	
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Total (Item 8) Data Processing Division		\$ 268,318.00
For Salary and Wage Adjustments		\$ 302,042.00
Item 9. General Operating:		
B. Contractual Services:		
B-1. Freight, Express and Deliveries	\$ 5,000.00	
B-2. Travel	467,600.00	
B-3. Telegraph and Telephone ..	22,500.00	
B-4. Repairs	20,000.00	
B-5. Printing, Binding and Advertising	16,000.00	
B-6. Water, Heat, Light and Power	1,500.00	
C. Supplies:		
C-4. Office Supplies and Stamps	335,000.00	
C-8. Motor Vehicle Supplies	3,000.00	
D. Fixed Charges and Contributions:		
D-1. Rents:		
Machine Rental	155,000.00	
District Office	22,511.00	
Post Office Box	84.00	
State Office Building Rental ..	110,583.00	
D-2. Insurance—Premium on Bonds	6,000.00	
D-3. Contributions	1,500.00	

G. Equipment:	
G-1. Office Equipment	30,000.00
G-4. Motor Vehicles and Equip- ment	2,500.00
For Codifying Commission Regula- tions and Decisions	1,500.00
Property Reassessment	12,600.00
<hr/>	
Total (Item 9) General Operating .	\$ 1,212,878.00
<hr/>	
TOTAL (State Tax Commission) . .	\$ 4,558,231.00

Provided, That the Tax Commission is hereby authorized to purchase Revenue stamps and to draw warrants for the payment thereof against the revenue account for which they were purchased.

Provided, Further, That appropriations in this Act to cover the cost of law enforcement with respect to alcoholic liquors in the Governor's Office and the cost of the administration of the Alcoholic Liquors Division of the Tax Commission shall be deducted from the total revenues from alcoholic liquors before distribution of such revenues to the counties and municipalities of the State.

Provided, Further, That the Revolving Fund which is maintained for the purpose of purchasing alcoholic beverages in connection with the Alcoholic Liquors Division, in law enforcement, shall be limited to \$500.00.

Provided, Further, That the Tax Commission, with the approval of the Budget and Control Board, is authorized to expend from the revenue collected under the provisions of Act 654, Acts of 1956, such additional money as is necessary to the adequate administration and enforcement of the said Act.

Provided, Further, That the Tax Commission is hereby directed to design and provide special tax stamps for use in the administration and collection of the tax on shells and cartridges provided for in Article 3, Chapter 11, Code of Laws of South Carolina of 1962. Such stamps shall be sold on the same terms and conditions as stamps provided for other taxes in this same Article.

Provided, Further, That the Tax Commission is authorized to withdraw its assessment against the Educational Finance Commission for tax on gasoline used in the operation of service and administrative vehicles of the school bus transportation program.

SECTION 50

Insurance Department

Executive Control of Insurance:

A. Personal Service:

A-1. *Salaries:*

Administration:

Chief Insurance Commissioner \$	15,000.00
Chief Deputy Insurance Commissioner	12,850.00
Deputy Ins. Commissioner—Technical	11,850.00
Deputy Ins. Commissioner—Administrative	11,850.00
Life Actuary	15,000.00
Casualty Actuary	15,000.00
General Counsel	11,850.00
Assistant General Counsel	8,678.00
Executive Secretary	5,624.00
Legal Secretary	5,075.00
Directors	80,325.00
Actuary—Examiners	18,823.00
Analysts	36,464.00
Auditors	40,249.00
Bookkeepers	8,974.00
Clerk-Typists	17,395.00
Clerks	54,905.00
Coordinators	8,652.00
Investigators	54,607.00
Examiners	87,633.00
Secretaries	39,548.00
Statisticians	27,174.00
Stenographers	15,435.00
Extra Clerical Help	1,700.00

Administration LP-Gas:

Director	8,652.00
Chief—LP-Gas Inspector	6,489.00
LP-Gas Inspectors	22,770.00
Steno-Clerk	4,218.00

A-3. Special Payments

For Salary and Wage Adjustments .. 57,162.00

General Operating:

B. Contractual Services:

B-2. Travel	50,350.00
B-3. Telegraph and Telephone ..	8,900.00
B-4. Repairs	2,925.00
B-7. Other Contractual Services	1,350.00

C. Supplies:

C-4. Office Supplies	27,250.00
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D. Fixed Charges and Contributions:

D-1. Rents	26,750.00
D-2. Insurance	2,965.00
D-3. Contributions	480.00

G. Equipment:

G-1. Office Equipment	4,600.00
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TOTAL (Insurance Department) ...	\$ 830,522.00
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SECTION 51

Contractor's Licensing Board

For Administration:

A. Personal Service:

A-1. *Salaries:*

Secretary-Treasurer	\$ 6,056.00
Assistant Secretary-Treasurer.	4,277.00
Field Representative	5,935.00
Steno-Clerk	2,774.00
For Salary and Wage Adjust- ments	1,904.00

A-3. Special Payments:

Per Diem Board Members	300.00
Examinations	3,500.00

B. Contractual Services:

B-2. Travel	6,050.00
B-3. Telegraph and Telephone ..	400.00
B-4. Repairs	125.00
B-5. Printing and Advertising ..	100.00

C. Supplies:

C-4. Office Supplies	3,500.00
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D. Fixed Charges and Contributions:	
D-1. State Office Building Rental	1,800.00
D-2. Bond Premium and Insurance	40.00
G. Equipment:	
G-1. Office Equipment	1,500.00
<hr/>	
TOTAL (Contractors' Licensing Board)	\$ 38,261.00

SECTION 52

Department of Veterans Affairs

Item 1. For Administration:

A. Personal Service:

A-1. *Salaries:*

State Service Officer	\$ 10,270.00
Asst. State Service Officer	8,000.00
Senior Field Investigator	7,260.00
Junior Field Investigator	6,053.00
Secretary	4,540.00
Senior Stenographer	3,770.00
For Salary and Wage Adjustments	3,920.00

B. Contractual Services:

B-2. Travel	1,650.00
B-3. Telegraph and Telephone ..	1,000.00
B-4. Repairs	150.00

C. Supplies:

C-4. Office Supplies	1,500.00
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D. Fixed Charges and Contributions:

D-1. State Office Building Rental	3,639.00
D-3. Association Dues	100.00

G. Equipment:

G-1. Office Equipment	500.00
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Total (Item 1) For Administration	\$ 52,352.00
Item 2. Operation of County Offices	\$ 266,237.00

Item 3. Veterans' Administration**Personnel:****A. Personal Service:****A-1. Salaries:**

Service Officer, VFW	\$ 2,060.00
Secretary, Service Officer, VFW	4,120.00
Service Officer, DAV	5,500.00
Secretary, DAV	680.00
Service Officer, The American Legion	5,150.00
Secretary, Service Officer, American Legion	1,030.00

Total (Item 3) Veterans' Adminis- tration Personnel	\$ 18,540.00
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TOTAL (Department of Veterans Affairs)	\$ 337,129.00
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Provided, That for the fiscal year 1966-67 each county shall receive 110% of the amount received in the fiscal year 1965-66 for operation of county offices.

SECTION 53**Department of Agriculture****Item 1. Superintendence and Admin-
istration:****A. Personal Service:****A-1. Salaries:**

Commissioner	\$ 17,500.00
Deputy Commissioner	9,734.00
Assistant to Commissioner ...	8,922.00
Secretary	5,624.00
Clerks	10,829.00

Total (Item 1) Superintendence and Administration	\$ 52,609.00
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Item 2. Finance Division:

A. Personal Service:

A-1. *Salaries:*

Director	\$ 8,922.00
Assistant Director	8,498.00
Secretary	5,000.00
Accountant	7,000.00
Auditors	28,000.00

Total Item 2 (Finance Division) .. \$ 57,420.00

Item 3. Publications and Statistics:

A. Personal Service:

A-1. *Salaries:*

Director	\$ 7,500.00
Editor—Market Bulletin	4,920.00
Clerk-Typist	4,326.00
Clerks	7,430.00

B. Contractual Services:

B-5. Printing and Advertising:

Market Bulletin	50,000.00
Agricultural Statistics	1,500.00

C. Supplies:

C-4. Office Supplies 9,500.00

G. Equipment:

G-1. Office Equipment 500.00

Total Item 3 (Publications and
Statistics) \$ 85,676.00

Item 4. Chemical Laboratory:

A. Personal Service:

A-1. *Salaries:*

Director	\$ 9,734.00
Chief Chemist	8,498.00
Secretary	4,867.00
Stenographer	3,893.00
Chemists	34,061.00
Chief Seed Analyst	7,138.00
Seed Analysts	23,999.00
Seed Technicians	32,475.00
Laboratory Technician	3,893.00

A-2. Wages:		
Porter	2,379.00	
<hr/>		
Total (Item 4) Chemical Laboratory		\$ 130,937.00
Item 5. Pure Food and Drug:		
A. Personal Service, Materials,		
Supplies and Equipment ..		\$ 57,606.00
Item 6. Bureau of Inspection:		
A. Personal Service:		
A-1. Salaries:		
Director	\$ 8,922.00	
Secretary	4,326.00	
Seed, Feed, Oil and Scales:		
Inspectors	105,174.00	
Stenographer	3,245.00	
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Total (Item 6) Bureau of Inspection		\$ 121,667.00
Item 7. Warehouse Division:		
A. Personal Service:		
A-1. Salaries:		
Director	\$ 8,822.00	
Secretary	4,542.00	
Audit Clerks	16,872.00	
Warehouse Auditors	39,799.00	
Clerk	4,975.00	
A-3. Special Payments:		
Extra Help	1,300.00	
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Total (Item 7) Warehouse Division		\$ 76,310.00
Item 8. Egg Law Enforcement:		
A. Personal Service:		
A-1. Salaries:		
Director	\$ 8,034.00	
Inspectors	47,978.00	
B. Contractual Services:		
B-2. Travel	24,200.00	
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Total (Item 8) Egg Law Enforcement		\$ 80,212.00

Item 9. General Operating:

B. Contractual Services:

B-1. Freight, Express and Deliveries	\$ 4,000.00
B-2. Travel	76,450.00
B-3. Telephone and Telegraph ..	4,400.00
B-4. Repairs	5,500.00
B-6. Water, Heat, Light and Power	1,000.00

C. Supplies:

C-4. Office Supplies	40,000.00
C-7. Educational Supplies	100.00
C-8. Motor Vehicle Supplies	3,000.00
C-11. Other Supplies	15,000.00

D. Fixed Charges and Contributions:

D-1. Rents	3,036.00
State Office Building Rental ..	25,236.00
D-2. Insurance	3,000.00
D-3. Association Dues	270.00
State Fair Exhibit	400.00

G. Equipment:

G-1. Office Equipment	1,500.00
G-4. Motor Vehicles and Equipment	28,000.00
G-8. Other Equipment	4,000.00

Total (Item 9) General Operating ..	\$ 214,892.00
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For Salary and Wage Adjustments	47,668.00
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TOTAL (Department of Agriculture)	\$ 924,997.00
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Provided, That the salary of the Commissioner of Agriculture shall be increased January 1, 1967 from the present \$15,000.00 to \$20,000.00 per year.

Provided, Further, that the Market Bulletin shall be classified as a newspaper for purposes of exemption from the retail sales tax.

SECTION 54

State Agricultural Marketing Commission

Item 1. For Administration:

A. Personal Service:

A-1. *Salaries:*

Marketing Director	\$ 5,852.00
Market Coordinator	6,762.00
Grain Grader	7,500.00
Secretary	3,785.00

A-3. Special Payments:

Per Diem of Members	200.00
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B. Contractual Services:

B-2. Travel	7,600.00
B-3. Telegraph and Telephone ..	400.00
B-4. Repairs	105.00
B-5. Printing and Advertising ..	100.00

C. Supplies:

C-4. Office Supplies	200.00
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D. Fixed Charges and Contributions:

D-3. Contributions	40.00
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G. Equipment:

G-1. Office Equipment	200.00
For Salary and Wage Adjust- ments	2,134.00

Total (Item 1) For Administration	\$ 34,878.00
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Item 2. Farm Market Facilities, Surveys and Service

\$ 29,000.00

TOTAL (State Agricultural Marketing Commission)

\$ 63,878.00

SECTION 55

State Forestry Commission

Item 1. Division of Forestry\$ 2,179,147.00

Statewide Forest Survey	40,000.00
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Wildlife Management—Manchester State Forest	6,100.00
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Item 2. Division of State Parks	381,601.00
Item 3. Historical Areas	21,218.00
For Salary and Wage Adjust- ments	177,078.00

TOTAL (State Forestry Commission) \$ 2,805,144.00

Provided, That, for reforestation purposes on State Forest lands, the State Forestry Commission is authorized to rent newly cleared lands for agricultural purposes, and to use the State's portion of the rent received therefrom for clearing additional lands, and, pending expenditures, such funds shall be held in a special account in the State Treasury.

Provided, Further, That the State Forestry Commission may refund deposits placed with the Commission with orders for tree seedlings and for park cabin reservations.

Provided, Further, That all net revenues derived from the operation of the fishing pier at the Myrtle Beach State Park shall be used for improvements at the said park.

Provided, Further, That the State Forestry Commission is hereby authorized to provide reasonable aid or assistance to its regular employees in moving their personal effects from one town or place to another town or place, when their headquarters are so moved in the course of the business of the department.

Provided, Further, That the Commission may, upon request, cut fire lanes for private persons and charge for same at the rate of \$10.00 per hour for the use of heavy suppression units, and \$8.00 per hour for use of medium suppression units. All such monies shall be deposited in a special fund to be used exclusively for the operation, maintenance and replacement of such units, upon the approval of the Budget and Control Board.

Provided, Further, That it is not the intention of the General Assembly by the enactment of the foregoing appropriations or any of them to in any wise modify, alter, amend, or repeal any law of this State relating to the opening, operation or closing of State Parks, any prior construction by any court or courts to the contrary notwithstanding; and no appropriation for the operating of any State Park shall be available or expended except in strict observance and full compliance with all the provisions and requirements of State Laws prevailing and current at the time of such proposed operation of any State Park, and irrespective of any so-called civil rights this

Proviso shall apply equally and uniformly to all persons under the law.

Provided ordinary group camp activities may be conducted within the State Parks.

Provided, Further, That revenue received by the Forestry Commission for hunting and fishing permits for Manchester State Forest shall be deposited in the State Treasury to the credit of the General Fund.

Provided, Further, That tractor drivers in the Division of Forestry shall be employed on a twelve months basis in 1966-67.

Provided, Further, That the \$40,000.00 appropriated in this section for "Forest Survey" is conditioned on the securing of a like amount from forest industries in the State.

SECTION 56

Clemson University (Public Service Activities)

Item 1. Agricultural Research	\$ 1,404,037.00
Item 2. Extension Division	1,338,957.00
Item 3. Fertilizer Inspection and Analysis	102,778.00
Item 4. Livestock and Poultry Health Department	399,220.00
Item 5. Camp Bob Cooper	2,400.00
Item 6. Camp Long	2,400.00
Item 7. Camp Harry Daniel	2,400.00
For Salary and Wage Adjust- ments	254,686.00

TOTAL (Clemson University—Pub- lic Service Activities)	\$ 3,506,878.00
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Provided, That the Agricultural Research Division of Clemson University shall remit to the State Treasurer all revenues, including funds derived from the sale of farm products, for credit to a special account in the State Treasury for Agricultural Research Work, and that such funds may be withdrawn from the State Treasury, as needed, for the use of the Agricultural Research Division.

Provided, Further, That out of the appropriation provided in this section for Agricultural Research the sum of \$20,000, if so much be necessary, shall be used for research related to forest pests and the

control of same, and whatever amount is deemed necessary shall be used in Poultry Research.

Provided, Further, That out of the appropriation provided in Item 4 of this Section the sum of \$16,600.00, if so much be necessary, shall be used for meat inspection.

Provided, Further, That a Poultry Pathologist may be employed out of funds provided in Item 4 of this section.

Provided, Further, That out of the appropriation herein provided for Agricultural Research a sum of \$65,000.00, if so much be necessary, shall be used for the program of Tobacco Mechanization Research.

SECTION 57

State Soil and Water Conservation Committee

For Administration:

A. Personal Service:

A-1. Salaries:

Executive Secretary	\$ 9,457.00
Associate Executive Secretary	8,500.00
Clerk-Stenographer	3,532.00

A-3. Special Payments:

Per Diem:

Members State Committee ..	600.00
Clerical Help	200.00
Election Managers	540.00

B. Contractual Services:

B-2. Travel	16,500.00
B-3. Telegraph and Telephone ..	500.00
B-5. Printing and Advertising ..	900.00
B-7. Soil Survey Agreement ...	35,000.00
Watershed Planning Agreement	70,000.00
Operating Funds for Soil and Water Conservation Dis- tricts	33,000.00

C. Supplies:

C-4. Office Supplies	900.00
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D. Fixed Charges and Contributions:

D-1. State Office Building Rental	1,144.00
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G. Equipment:

G-1. Office Equipment	500.00
For Salary and Wage Adjust- ments	1,299.00

Total (State Soil and Water Conservation Committee) \$ 182,572.00

Provided, That the appropriation in this section for "Operating Funds for Soil and Water Conservation Districts" shall be used by the districts of the State Soil and Water Conservation Committee for clerical assistants and/or technical assistants to the district's program. *Provided, Further*, No district shall receive any funds under this provision unless the county or counties wherein the district is located shall have appropriated no less than three hundred dollars to the district from county funds for the same purposes.

SECTION 58

Department of Labor

Item 1. For Administration:

Office of the Commissioner:

A. Personal Service:

A-1. *Salaries*:

Commissioner	\$ 12,900.00
Investigation Supervisor	6,242.00
Secretary to Commissioner	4,327.00
Bookkeeper	4,327.00
Senior Conciliator	6,613.00
Junior Conciliator	6,010.00
Junior Conciliator	5,825.00

Division of Inspection:

Director of Inspection and Deputy Commissioner	7,030.00
Secretary to Director	4,327.00
Clerks	6,556.00
Inspectors	73,086.00

Division of Standards and Statistics:

Director of Standards and Statistics	6,311.00
Secretary to Director	3,245.00

Statistician	4,327.00	
Clerks (2)	6,261.00	
A-3. Special Payments:		
Clerical Help	300.00	
B. Contractual Services:		
B-2. Travel	43,450.00	
B-3. Telephone and Telegraph ..	1,600.00	
B-4. Repairs	300.00	
B-5. Printing and Advertising ..	1,660.00	
C. Supplies:		
C-4. Office Supplies	3,500.00	
C-11. Other Supplies	100.00	
D. Fixed Charges and Contributions:		
D-1. Rents	76.00	
State Office Building Rental ..	9,168.00	
D-3. Contributions:		
Association Dues	75.00	
Fair Exhibits	400.00	
G. Equipment:		
G-1. Office Equipment	350.00	
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Total Item 1 (For Administration)		\$ 218,366.00
Item 2. Division of Safety:		
A. Personal Service:		
A-1. <i>Salaries:</i>		
Safety Director	\$ 6,311.00	
Safety Engineers	16,929.00	
Secretary	4,061.00	
Safety Coordinator	6,500.00	
<hr/>		
Total Item 2 (Division of Safety) ..		\$ 33,801.00
For Salary and Wage Adjust-		
ments		18,469.00
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TOTAL (Department of Labor)		\$ 270,636.00

SECTION 59

South Carolina Employment Security Commission

The salaries of the South Carolina Employment Security Commissioners are hereby fixed at Nine Thousand Four Hundred and Twenty-Two (\$9,422.00) Dollars each.

SECTION 60

South Carolina Industrial Commission

Item 1. Administration:

A. Personal Service:

A-1. *Salaries:*

Administrative:

Commissioners (6)	\$ 90,000.00
Supplemental Salary—Chair-	
man	1,000.00
Administrative Assistant . . .	12,342.00
Legal Secretaries (6)	30,492.00
Reporters (6)	46,840.00
Secretary	4,651.00
Senior Stenographer	4,161.00
Bookkeeper	4,994.00
Docket Clerk	3,569.00

Coverage:

Compliance Officer	6,500.00
Clerk-Typist	3,031.00
Senior Stenographer	3,283.00
Senior Clerk	3,031.00
Senior Clerk	3,786.00
Machine Operator	3,085.00

Claims:

Claims Examiner	9,234.00
Assistant Claims Examiner . .	7,925.00
Senior Stenographer	3,930.00
Secretary	3,728.00
Clerk	3,600.00

Clerical:

Senior Clerks (2)	7,860.00
Junior Clerk	3,066.00

Medical:	
Medical Consultant	2,741.00
Senior Stenographer	3,930.00
Safety:	
Senior Safety Engineer	6,386.00
Junior Safety Engineer	5,271.00
Junior Clerk	3,283.00
Statistical:	
Supervisor of Coverage and Statistics	6,695.00
Statistician	4,148.00
Statistician	4,148.00
Machine Operator	3,677.00
Senior Clerk	3,283.00
State Fund:	
Director	12,342.00
Assistant Director	5,592.00
Claims Investigator	5,711.00
Claims Investigator	4,793.00
Senior Stenographer	3,930.00
Senior Stenographer	3,930.00
Senior Clerk	3,283.00
Senior Payroll Auditor	5,711.00
Junior Payroll Auditor	4,917.00
Senior Clerk	3,283.00
Other Services:	
Mail Clerk	3,283.00
A-3. Special Payments:	
Clerical Help	4,800.00
B. Contractual Services:	
B-2. Travel	24,750.00
B-3. Telegraph and Telephone ..	3,700.00
B-4. Repairs	2,800.00
B-5. Printing and Advertising ..	1,000.00
C. Supplies:	
C-4. Office Supplies	23,000.00
C-8. Motor Vehicle Supplies	4,000.00
D. Fixed Charges and Contributions:	
D-1. Rents	6,550.00
State Office Building Rental ..	34,154.00

D-2. Insurance, Workmen's Comp. and Bonds	1,000.00	
D-3. Contributions	300.00	
G. Equipment :		
G-1. Office Equipment	2,800.00	
G-4. Motor Vehicles and Equip- ment	4,000.00	
For Salary and Wage Adjust- ments	22,381.00	
Total (S. C. Industrial Commission)		\$ 495,680.00

SECTION 61

Wildlife Resources Department

Item 1. Division of Game :

A. Personal Service :

A-1. *Salaries:*

Director	\$ 9,685.00
Assistant Director	10,300.00
Chief Clerk	6,235.00
Deputy Chief Clerk	5,410.00
Secretary—License Clerk	4,715.00
Secretaries	13,227.00

Information and Education :

Commission Sec'y and I & E Coordinator	8,582.00
Chief of Education	6,939.00
Information Assistant	5,462.00
Secretaries	9,523.00

A-2. Wages

A-3. Special Payments :

Commissioners (7)	700.00
Clerical Help	2,000.00
Hearing Fees	750.00

B. Contractual Services :

B-1. Freight, Express and De- liveries	150.00
B-2. Travel	8,800.00
B-3. Telegraph and Telephone ..	2,500.00

B-4. Repairs	1,500.00	
B-5. Printing and Advertising ..	11,000.00	
B-7. Other Contractual Services.	600.00	
C. Supplies:		
C-4. Office Supplies	4,050.00	
C-7. Educational Supplies	2,750.00	
C-8. Motor Vehicle Supplies	1,750.00	
C-12. Other Supplies	6,000.00	
D. Fixed Charges and Contributions:		
D-1. State Office Building Rental	18,628.00	
D-2. Insurance and Bonds	850.00	
D-3. Contributions and Dues....	250.00	
D-4. Other Fixed Charges—		
Survey	250.00	
D-5. Exhibits	200.00	
G. Equipment:		
G-1. Office Equipment	1,100.00	
G-7. Educational Equipment	2,000.00	
For Salary and Wage Adjust-		
ments	8,179.00	
		<hr/>
Total Item 1 (Division of Game) ..		\$ 156,792.00
Item 2. Division of Boating:		
A. Personal Service:		
A-1. <i>Salaries:</i>		
Director	\$ 3,215.00	
Chief of Boating	10,000.00	
Secretaries	8,209.00	
Secretary-IBM Operator	4,532.00	
Clerk-Bookkeeper	4,200.00	
A-3. Extra Clerical Help	3,600.00	
B. Contractual Services:		
B-1. Freight, Express and De-		
liveries	100.00	
B-2. Travel	3,700.00	
B-3. Telegraph and Telephone ..	1,500.00	
B-4. Repairs	4,200.00	
B-6. Heat, Light and Power ...	400.00	
B-7. Other Contractual Services .	2,000.00	

C. Supplies:

C-4. Office Supplies	3,000.00
C-8. Motor Vehicle Supplies	7,000.00
C-12. Other Supplies	4,500.00

D. Fixed Charges and Contributions:

D-2. Insurance	250.00
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G. Equipment:

G-1. Office Equipment	500.00
G-4. Motor Vehicles and Equip- ment	3,000.00
G-8. Other Equipment	4,500.00
For Salary and Wage Adjust- ments	3,316.00

Total Item 2 (Division of Boating) \$ 71,722.00

Item 3. Division of Commercial Fisheries:

A. Personal Service:

A-1. *Salaries:*

Auditor	\$ 4,867.00
Secretary and Bookkeeper	4,542.00
District Inspectors	41,528.00
Stenographer	3,418.00

A-2. Wages	379.00
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A-3. Special Payments:

To match Federal funds to pro- mote Commercial Fish. Re- search and Development ..	9,000.00
Clerical Help	300.00
Operation Patrol Boats and Air- plane Hire	1,250.00
Legal Services	400.00
Oyster and Clam Culture	400.00

B. Contractual Services:

B-2. Travel	19,800.00
B-3. Telegraph and Telephone .	1,200.00
B-4. Repairs	2,000.00
B-5. Printing and Advertising ..	25.00
B-6. Water, Heat, Light and Power	300.00
B-7. Other Contractual Services	50.00

C. Supplies:

C-1. Food Supplies	75.00
C-4. Office Supplies	2,200.00
C-5. Household, Laundry, Jani- torial	50.00
C-6. Medical Supplies	10.00
C-8. Motor Vehicle Supplies	5,500.00
C-10. Clothing and Dry Goods ..	1,000.00
C-11. Maintenance Supplies	750.00

D. Fixed Charges and Contributions:

D-1. Rents	822.00
D-2. Insurance	650.00

G. Equipment:

G-1. Office Equipment	350.00
G-4. Motor Vehicle Equipment ..	6,000.00
For Salary and Wage Adjust- ments	5,436.00

Total (Item 3) Division of Commer-
cial Fisheries

\$ 112,302.00

Item 4. Bears Bluff Laboratories:

A. Personal Service:

A-1. *Salaries:*

Director	\$ 12,543.00
Research Assistants (2)	13,174.00
Maintenance Supervisor	4,639.00
Secretary-Bookkeeper	4,581.00
Stenographer	3,301.00
A-2. Wages	3,360.00
A-3. Special Payments	500.00
Shrimp Survey	13,235.00
For Salary and Wage Adjust- ments	4,930.00

B. Contractual Services:

B-2. Travel	350.00
B-3. Telegraph and Telephone ..	600.00
B-4. Repairs	1,050.00
B-5. Printing and Advertising ..	400.00
B-6. Water, Heat, Light and Power	360.00
B-7. Other Services	25.00

C. Supplies :

C-1. Food Supplies	75.00
C-2. Fuel Supplies	400.00
C-4. Office Supplies	350.00
C-5. Household, Laundry and Janitorial Supplies	100.00
C-6. Medical Supplies	10.00
C-8. Motor Vehicle Supplies	700.00
C-11. Maintenance Supplies	1,000.00
C-12. Other Supplies	200.00

D. Fixed Charges and Contributions:

D-2. Insurance	2,000.00
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G. Equipment:

G-1. Office Equipment	300.00
G-3. Household Equipment	100.00
G-8. Other Equipment	300.00

Total (Item 4) Bears Bluff Laboratories

\$ 68,583.00

Item 5. Outdoor Recreation:

A. Personal Service:

A-1. *Salaries:*

Field Representative	\$ 4,000.00
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B. Contractual Services:

B-2. Travel	2,000.00
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For Matching Federal Funds—Development of Plan for Outdoor Recreation Program

53,750.00

Total Item 5 (Outdoor Recreation).

\$ 59,750.00

TOTAL (Wildlife Resources Department)

\$ 469,149.00

Provided, That the total amount of appropriations made in items one and two of this section shall be transferred from the revenues of this department to the general fund of the State for payment of the appropriations made in said items.

Provided, Further, That no funds belonging to the counties of the State, now on hand or hereafter accruing to the counties, shall be

expended except on approval of a majority of the respective county delegations. *Provided*, That an annual accounting of all such funds and expenditures shall be furnished by the Department to each county delegation upon its request.

Provided, Further, That no transfer of funds shall be permitted by the State Budget and Control Board from the game and fish revenues to supplement or increase the appropriations provided in this section, it being the intent of the General Assembly that the remainder of the game and fish revenues shall be expended only for the actual protection and propagation of game and fish in the State.

Provided, Further, That any member of the armed forces of the United States, on active duty, who is on furlough or leave, shall, upon presentation of his official furlough or leave papers, be allowed to fish or hunt without purchasing a fishing or hunting license, or permit.

Provided, Further, That the Wildlife Resources Department is hereby directed to reimburse the State's General Fund out of revenue collected by the department for Workmen's Compensation awards made by the Industrial Commission for employees of the Department during the preceding fiscal year.

Provided, Further, That fees and other revenue collected by the Commercial Fisheries Division shall be deposited in the State Treasury in a special account to the credit of Wildlife Resources Department and may be applied on the expenses of the Commercial Fisheries and Bears Bluff Laboratories Divisions.

Provided, Further, That of the revenue collected during 1966-67 pursuant to the provisions of Section 65-703, Code of Laws of South Carolina, 1962, providing a tax on cartridges, shells and playing cards, the sum of \$165,000.00 shall be credited to a special account in the State Treasury for the Wildlife Resources Department for use by the Department in its operations.

SECTION 62

Board of Bank Control

Item 1. Board of Bank Control:

A. Personal Service:

A-1. Salaries:

Executive Secretary	\$ 7,167.00
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A-3. Special Payments:

Per Diem of Board	550.00
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Official Expense Allowance—	
Chairman	636.00
B. Contractual Services:	
B-2. Travel	1,100.00
D. Fixed Charges and Contributions:	
D-1. Rent	936.00
<hr/>	
Total (Item 1) Board of Bank Control	\$ 10,389.00
Item 2. Examining Division:	
A. Personal Service:	
A-1. <i>Salaries:</i>	
Chief Bank Examiner	\$ 13,160.00
Assistant Chief Bank Examiner	9,734.00
Assistant Examiners	85,060.00
Secretary	5,603.00
Stenographer	5,049.00
Stenographer	4,724.00
Stenographer	4,218.00
For Salary and Wage Adjustments	12,753.00
B. Contractual Services:	
B-2. Travel	59,400.00
B-3. Telegraph and Telephone ..	1,200.00
B-4. Repairs	600.00
B-5. Printing and Advertising ..	50.00
B-7. Other Contractual Services ..	1,200.00
C. Supplies:	
C-4. Office Supplies	1,750.00
D. Fixed Charges and Contributions:	
D-1. Rents	18.00
State Office Building Rental ..	2,881.00
D-2. Insurance	175.00
D-3. Contributions	280.00
G. Equipment:	
G-1. Office Equipment	1,500.00
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Total (Item 2) Examining Division	\$ 209,355.00

Item 3. Small Loan Division:

A. Personal Service:

A-1. *Salaries:*

Director	\$ 11,850.00
Assistant Director	9,084.00
Examiners	33,135.00
Secretary	5,515.00

A-3. Special Payments:

Per Diem of Board	500.00
Official Expense Allowance—	
Chairman	1,590.00
Secretary of Board	833.00
Hearing Fees	943.00
For Salary and Wage Adjust- ments	5,958.00

B. Contractual Services:

B-2. Travel	28,000.00
B-3. Telegraph and Telephone ..	600.00
B-4. Repairs	350.00

C. Supplies:

C-4. Office Supplies	2,500.00
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D. Fixed Charges and Contributions:

D-1. Rents	
State Office Building Rental ..	1,989.00
D-2. Insurance	137.00
D-3. Contributions	100.00

G. Equipment:

G-1. Office Equipment	1,000.00
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Total (Item 3) Small Loan Division	\$ 104,084.00
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TOTAL (Board of Bank Control) ..	\$ 323,828.00
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Provided, That the Board of Bank Control shall fix the examination fees of banks, depositories, and building and loan associations on a scale which will yield sufficient revenue to defray the entire expenses of one examination per year for each bank, depository, and building and loan association.

SECTION 63

Public Service Commission

Item 1. For Administration:

A. Personal Service:

A-1. *Salaries:*

Chairman	\$ 10,492.00
Commissioners (6)	61,350.00
Executive Secretary	10,500.00
Asst. Secretary	6,463.00
Director of Rate Bureau	10,274.00
Office Assistant	5,624.00
Director, Telephone, Gas and Water	10,500.00
Assistant Director	8,884.00
Accountant	6,544.00
Field Auditor	6,000.00
Stenographers (2) ..	8,362.00
Chief Engineer	8,086.00
Reporter	6,910.00
Assistant Reporter	5,196.00

A-2. Wages

2,434.00

B. Contractual Services:

B-2. Travel	27,500.00
B-3. Telegraph and Telephone ..	2,000.00
B-4. Repairs	500.00
B-5. Printing and Advertising ..	100.00
Printing—Litigation	750.00

C. Supplies:

C-4. Office Supplies	3,200.00
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D. Fixed Charges and Contributions:

State Office Building Rental ..	7,726.00
D-2. Insurance	100.00
D-3. Contributions	1,100.00

G. Equipment:

G-1. Office Equipment	200.00
For Salary and Wage Adjust- ments	14,871.00

Total (Item 1) For Administration.

\$ 225,666.00

Item 2. Motor Transport Division:

A. Personal Service:

A-1. *Salaries:*

Director	\$ 10,500.00
Office Assistant	6,489.00
Chief Clerk	5,783.00
Cashier	8,189.00
Insurance Clerk	4,288.00
Stenographer	5,015.00
Steno-Clerk	4,665.00
Steno-Clerk	4,061.00
Clerk	3,893.00
Chief Inspector, District No. 1	6,489.00
Chief Inspector, District No. 2	6,489.00
Inspectors	109,883.00

A-3. Special Payments:

Extra Clerical Help	650.00
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B. Contractual Services:

B-2. Travel	59,067.00
B-3. Telegraph and Telephone ..	1,800.00
B-4. Repairs	200.00
B-6. Water, Heat, Light and Power	30.00

C. Supplies:

C-4. Office Supplies	5,000.00
C-8. Motor Vehicle Supplies	500.00
C-12. Other Supplies (License Plates)	1,800.00

D. Fixed Charges and Contributions:

State Office Building Rental ..	2,327.00
D-2. Insurance	879.00

G. Equipment:

G-1. Office Equipment	300.00
For Salary and Wage Adjust- ments	16,001.00

Total (Item 2) Motor Transport
Division

\$ 264,298.00

Item 3. Utilities Division:

A. Personal Service:

A-1. Salaries:

Director	\$ 10,500.00
Assistant Director	9,750.00
Accountant	6,544.00
Engineers (2)	12,179.00
Field Inspector	6,484.00
Typist	1,982.00
Stenographers (2)	8,815.00

B. Contractual Services:

B-2. Travel	4,950.00
B-3. Telegraph and Telephone ..	750.00

C. Supplies:

C-4. Office Supplies	850.00
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D. Fixed Charges and Contributions:

D-1. State Office Building Rental	2,047.00
For Salary and Wage Adjust- ments	3,600.00

Total (Item 3) Utilities Division ..	\$ 68,451.00
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TOTAL (Public Service Commission)	\$ 558,415.00
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Provided, That the appropriation for Item 3 of this Section shall be assessed against and collected from the electric light and power companies, operating in this State and shall be based upon the gross revenues of said companies from their business done wholly within the State of South Carolina as is set out in Section 58-60 of the Code of Laws of South Carolina, 1962.

Provided, Further, That all public service companies doing business in this State, shall, on or before June 30, 1966, furnish the Comptroller General in such form as he may require, a statement setting forth the gross income of such public service company for the year ending December 31, 1965.

Provided, Further, That telephone companies are authorized to furnish free telephone service for official business to the Public Service Commission.

Provided, Further, That the Motor Transport Division of the Public Service Commission is hereby authorized to make refunds of fees which were erroneously collected.

Provided, Further, That the Commission, within its discretion, may prorate and adjust any portion or all of the license fees for D, E, and F certificate holders as between vehicles and units of various types.

SECTION 64

South Carolina Aeronautics Commission

Item 1. For Administration:

A. Personal Service:

A-1. *Salaries:*

Director	\$ 12,073.00
Assistant Director	8,574.00
Secretary to Commission	4,208.00
Office Manager	5,661.00
Stenographer	3,245.00

A-2. Wages:

Janitor	2,202.00
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A-3. Special Payments	6,500.00
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Total (Item 1) For Administration. \$ 42,463.00

Item 2. For Regulation, Training and
Inspection:

A. Personal Service:

A-1. *Salaries:*

Flight Inspector	\$ 7,581.00
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Item 3. For Airport Maintenance:

A. Personal Service:

A-1. *Salaries:*

Chief Supervisor	\$ 6,000.00
Electrician	4,218.00
Machine Operators	18,402.00

A-2. Wages:

Laborers	4,432.00
Temporary Help	4,500.00

Total (Item 3) For Airport Maintenance \$ 37,552.00

Item 4. For Equipment Maintenance:

A. Personal Service:

A-1. *Salaries:*

Shop Foreman	\$ 5,117.00
Mechanic	4,218.00

Total (Item 4) For Equipment Maintenance	\$ 9,335.00
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Item 5. For Operation:

B. Contractual Services:

B-2. Travel	\$ 3,960.00
B-3. Telegraph and Telephone ..	3,000.00
B-5. Printing and Advertising ..	600.00

C. Supplies:

C-4. Office Supplies	3,000.00
C-8. Motor Vehicle Supplies— Planes	10,000.00
C-11. Other Supplies	400.00

D. Fixed Charges and Contributions:

D-3. Contributions	800.00
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G. Equipment:

G-1. Office Equipment	1,500.00
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H. Aviation Safety and Training ..	3,850.00
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Total (Item 5) For Operation	\$ 27,110.00
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Item 6. Maintenance and Improve-
ment of Airports:

B. Contractual Services:

B-2. Travel	12,338.00
B-4. Repairs	20,000.00
B-5. Printing and Advertising ..	200.00
B-6. Water, Heat, Light and Power	12,000.00
B-7. Other Contractual Services	5,000.00

C. Supplies:

C-5. Janitorial Supplies	1,800.00
C-8. Motor Vehicle Supplies ...	12,000.00

D. Fixed Charges and Contributions:	
D-1. Rents	50.00
D-2. Insurance	10,000.00
G. Equipment:	
G-4. Motor Vehicle Equipment ..	7,500.00
H. Permanent Improvements:	
Engineering Airports	800.00
<hr/>	
Total Item 6 (Maintenance and Im-	
ment of Airports)	\$ 81,688.00
Item 7. Special Maintenance Fund	
for State System Airports:	
A. Personal Service:	
A-1. <i>Salaries:</i>	
Resident Maintenance Super-	
visors	\$ 15,685.00
For Salary and Wage Adjustments.	\$ 10,612.00
<hr/>	
TOTAL (South Carolina Aeronautics	
Commission)	\$ 232,026.00

Provided, That any unexpended balances on June 30, 1966 of appropriations for State Aid for Airport Developments may be carried forward and made available for the same purposes in 1966-67.

Provided, Further, That the Aeronautics Commission is directed to determine the feasibility of extending the runway of the Clemson-Oconee Airport.

SECTION 65

State Development Board

Item 1. For Administration:

A-1. *Salaries:*

Director	\$ 19,200.00
Assistant Director	12,900.00
Administrative Assistant	6,544.00
Industrial Agent	8,598.00
Senior Stenographer	3,657.00
Supply Room Clerk	3,200.00
Industrial Engineer	11,325.00
Secretary to Assistant Director	4,689.00

Senior Stenographer	4,022.00	
Senior Stenographer	3,801.00	
Junior Accountant	5,674.00	
Field Men	55,107.00	
Agricultural and Internal Industries Division:		
Assistant Director	15,026.00	
Agricultural Industries		
Specialist	8,400.00	
Industrial Markets Specialist ..	9,386.00	
Secretary	4,666.00	
A-3. Special Payments:		
Board Members	1,500.00	
Clerical Help	1,500.00	
B. Contractual Services:		
B-1. Freight, Express and Deliveries	250.00	
B-2. Travel and Promotional Activities	35,200.00	
B-3. Telegraph and Telephone ..	18,000.00	
B-4. Repairs	5,000.00	
B-7. Other Contractual Services:		
(a) Matching Funds for USGS Water Investigations, etc..	35,400.00	
C. Supplies:		
C-4. Office Supplies	12,000.00	
C-7. Educational Supplies	2,300.00	
C-8. Motor Vehicle Supplies ...	4,000.00	
C-12. Other Supplies	150.00	
D. Fixed Charges and Contributions:		
D-1. Rents	2,500.00	
State Office Building Rental ..	11,793.00	
D-2. Insurance	1,500.00	
D-3. Contributions	600.00	
G. Equipment:		
G-1. Office Equipment	2,500.00	
G-2. Motor Vehicle Equipment ..	6,000.00	
Total (Item 1) Administration		\$ 316,388.00

Item 2. Division of Geology:

A. Personal Service:

A-1. *Salaries:*

State Geologist	\$ 11,319.00
Secretary	4,677.00
Project Geologists	9,000.00
Engineering Services	1,500.00
Draftsman	650.00
Field Assistants	1,260.00

B. Contractual Services:

B-2. Travel	3,300.00
B-4. Repairs	750.00
B-5. Printing, Binding and Ad- vertising	4,000.00
B-7. Other Contractual Services.	400.00

C. Supplies:

C-7. Educational Supplies	250.00
C-8. Motor Vehicle Supplies	750.00
C-12. Other Supplies	500.00

G. Equipment:

G-8. Other Equipment	250.00
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Total (Item 2) Division of Geology	\$ 38,606.00
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Item 3. Travel and Information

Division:

A. Personal Service:

A-1. *Salaries:*

Chief	\$ 10,885.00
Assistant Chief	8,328.00
Secretary	4,022.00
Clerk—Typist	3,093.00

B. Contractual Services:

B-5. Printing, Binding and Ad-
vertising:

Industrial	125,000.00
Promotion of Tourist Industry	275,651.00

Total (Item 3) Travel and Informa- tion Division	\$ 426,979.00
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Item 4. Research Division:

A. Personal Service:

A-1. *Salaries:*

Chief of Research	\$ 10,380.00
Research Assistant	5,670.00
Research Secretary	4,218.00

Total (Item 4) Research Division .. \$ 20,268.00

Item 5. Aircraft Operation and Maintenance:

A. Personal Service:

A-1. *Salaries:*

Chief Pilot and Field Man ...	\$ 9,517.00
Co-Pilot and Field Man	6,544.00
Substitute Crew Member	500.00

B. Contractual Services:

B-1. Travel and Promotional

Activities	5,500.00
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B-4. Repairs	20,000.00
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B-6. Water, Heat, Light and Power	50.00
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C. Supplies:

C-7. Educational Supplies	75.00
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C-8. Aviation Fuel and Motor Vehicles Supplies	15,000.00
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D. Fixed Charges and Contributions:

D-2. Insurance	3,782.00
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Total (Item 5) Aircraft Operation
and Maintenance \$ 60,968.00

Item 6. Development Research

Center \$ 17,800.00

Item 7. Expanded Economic Development Program:

Distribution	68,000.00
Home Industry	86,300.00
Service and Supporting Industry	42,000.00

Planning Program	50,108.00	
<hr/>		
Total (Item 7) Expanded Economic Development Program ...		\$ 246,408.00
For Salary and Wage Adjustments		\$ 32,824.00
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TOTAL (State Development Board) .		\$ 1,160,241.00

SECTION 66

Civil Defense Agency

Personal Service	\$ 69,789.00	
Contractual Services	11,858.00	
Supplies	4,235.00	
Fixed Charges	17,161.00	
Equipment	2,584.00	
Contingencies	1,033.00	
For Salary and Wage Adjustments	6,947.00	
<hr/>		
TOTAL (Civil Defense Agency)		\$ 113,607.00

SECTION 67

Miscellaneous Appropriations

Item 1. To the Workmen's Compensation Fund to cover Compensation Insurance for State employees	\$ 125,000.00
Item 2. Woodrow Wilson Home—Maintenance Repairs	650.00
Item 3. Rocky Bottom Camp	2,400.00
Item 4. Regional Education Board:	
Scholarships	260,070.00
Administration	10,772.00
State Office Building Rental ..	1,362.00
Item 5. Atlantic States Marine Fisheries Commission Dues ..	900.00
Item 7. Poet Laureate	1,200.00
Item 9. Tax Study Committee	10,000.00

Item 10. Committee on Mental Health and Mental Institutions . . .	4,000.00
Item 11. Judicial Council	11,500.00
Item 12. S. C. Defense Scholarship Fund	150,000.00
Item 16. Forest Study Committee . .	4,000.00
Item 23. Council for Ageing	10,000.00
Item 24. Committee to Study State Education System	25,000.00
Item 27. Mental Retardation Council State Office Building Rental	1,435.00
Item 30. Archaeological Research	25,000.00
Item 34. Advisory Commission on Higher Education	7,500.00

Total (Miscellaneous Appropriations) \$ 650,789.00

Provided, That warrants for the disbursement of the appropriation in Item 5 of this section shall be approved by the Executive Committeeman from South Carolina.

Provided, Further, That of the amount appropriated in Item 4 of this section whatever amount may be necessary and available may be used by the State Board for paying the actual difference between State and Out-of-State tuition fees for non-contract students, not to exceed, however, the sum of \$350.00 for any medical or dental student, nor the sum of \$300.00 for any student of veterinary medicine, landscape architecture, optometry, Physical Therapy, Occupational Therapy, Chiropractics, and students for Insurance Actuary. *Provided, Further*, That when any such non-contract student is approved by the State Board the payment provided herein shall be made directly to the institution or school involved for the account of such student, and shall not exceed one-third of the tuition charge.

Provided, Further, That out of the amount appropriated in Item 4 of this Section for scholarships, a sum not in excess of \$60,000.00, may be used by the South Carolina Regional Educational Board to provide scholarships at out-of-State institutions, in courses not available at the South Carolina State College, but which are available at other State Institutions of Higher Learning which applicants for such scholarships are legally ineligible to attend. The amount of such scholarships shall not exceed the difference between the tuition charge

at the South Carolina State College and the tuition fee charged by such out-of-State Institutions.

Provided, Further, That funds appropriated in Item 4 of this section for Scholarships (Grant-in-Aid) for study at private or state-supported institutions shall be only in fields of study offered by some state-supported institution in the United States; however, this proviso shall not apply to Chiropractics.

SECTION 68

Contributions

Item 1.	Association of the Blind ..\$	25,000.00
Item 2.	Confederate Museum	100.00
Item 3.	Spanish War Veterans ...	1,000.00
Item 4.	Council State Governments	10,000.00
Item 5.	Carolina Orphan Home ...	25,000.00
Item 6.	Oakley Park Red Shirt Shrine	1,800.00
Item 7.	Commission on Uniform State Laws	950.00
	Commission on Uniform State Laws—Travel	900.00
Item 8.	The Florence Crittenten Home (Charleston)	4,500.00
Item 9.	Civil Air Patrol	25,000.00
TOTAL (Contributions)		\$ 94,250.00

SECTION 69

Aid to Subdivisions

Item 1.	Aid to Counties:	
	Income Tax	\$6,600,000.00
	Alcoholic Liquors Tax	3,200,000.00
	Beer and Wine Tax	931,000.00
	Insurance Tax	2,250,000.00
	Bank Tax	300,000.00
	Gasoline Tax	9,100,000.00
Total (Item 1) Aid to Counties		22,381,000.00

Item 2. Aid to Municipalities:

Alcoholic Liquors Tax	\$2,400,000.00
Beer and Wine Tax	1,596,000.00
Insurance Tax	225,000.00
Bank Tax	150,000.00
Motor Transport Fees	558,000.00

Total (Item 2) Aid to Municipalities	\$4,929,000.00
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TOTAL (Aid to Subdivisions) 27,310,000.00

Provided, That the above revenues shall be deposited in the General Fund of the State, and notwithstanding the amounts appropriated in the various items of this section, shall be allocated and paid to the Counties and Municipalities of the State in conformity with the percentages or proportions of such revenues prescribed by law.

SECTION 70

State Highway Department

For Operation, Maintenance and
Construction:

General Administration	\$ 965,313.00
Engineering Administration	593,795.00
Motor Vehicle Administration	2,456,470.00
General Expense	286,735.00
Highway Maintenance	20,500,000.00
State Institutions	100,000.00
State Parks	25,000.00
Damage Claims	150,000.00
Highway Patrol	4,316,000.00
Debt Service	232,900.00
FICA, Retirement and Workmen's Compensation	3,000,000.00
Radio Maintenance	10,000.00
Equipment and Supply Costs	143,500.00
Equipment Purchases	2,183,000.00
Land and Buildings	250,000.00
Debt Retirement	3,550,000.00

Highway Construction and other purposes	33,455,387.00
Uninsured Motorists Act	273,970.00

TOTAL (Highway Department) 72,492,070.00

Provided, That the State Highway Department is hereby authorized to spend all cash balances brought forward from the previous year and all income including Federal Funds and proceeds from bond sales accruing to the State Highway Department, but in no case shall the expenditures of the State Highway Department exceed the amount of cash balances brought forward from the preceding year plus the amount of all income including Federal Funds and proceeds from bond sales.

Provided, Further, That the State Highway Department, with the approval of the State Treasurer, is hereby authorized to set up with the State Treasurer such special funds out of State Highway funds as may be deemed advisable for proper accounting purposes.

Provided, Further, That the State Highway Department is hereby authorized to provide reasonable aid or assistance to its regular employees in moving their personal effects from one town or place to another town or place where their headquarters are so moved in the course of the business of the Department.

Provided, Further, That the State Highway Department is hereby authorized to secure bonds and insurance covering such activities of the Department as may be deemed proper and advisable, due consideration being given to the security offered and the service of claims.

Provided, Further, That the State Highway Department may set aside and deposit in its name the sum of five hundred thousand dollars as a revolving fund, and all payments from such fund shall be restored to the fund by vouchers drawn on the Comptroller General against the State Highway fund.

Provided, Further, That the State Highway Department is authorized to pay the cost of lighting the Gervais Street Bridge between Columbia and West Columbia.

Provided, Further, That the State Highway Department is hereby authorized to charge a fee of thirty cents postage for every vehicle license mailed to the owner.

Provided, Further, That the State Highway Department is hereby authorized to charge a fee of \$1.00 each for furnishing certified copies

of abstracts of operating records of drivers in the administration of the Motor Vehicle Safety Responsibility Act of 1952, as amended; and also may establish an appropriate schedule of fees to be charged for copies of other records, lists, bidders' proposals, plans, maps, etc. based upon approximate actual costs of producing such copies, lists, bidders' proposals, plans, maps, etc., which schedule shall be effective upon approval by the State Highway Commission.

Provided, Further, That the Highway Department may sell any materials, supplies, or equipment classified as obsolete, surplus, or junk for which the Department has no further need, or offer same for trade-in in the purchase of new materials or equipment. All such sales of obsolete, surplus or junk materials or equipment by the Department shall be to the highest bidder not less than 10 days after having been advertised in a newspaper of statewide circulation at least once. *Provided,* That items having a value of less than \$25.00 may be disposed of by sale in the most advantageous way to the Department, and *provided further,* that the State Highway Department may make negotiated sales of surplus materials, equipment and supplies to county, state, and municipal agencies on a mutually agreed upon basis. All proceeds from the sale of such obsolete, surplus or junk material, supplies, and equipment shall be credited to the State Highway Fund.

Provided, Further, That the State Highway Department shall pay into the General Fund of the State the sum of \$490,727.00 as its proportionate share of the cost of administration of the following departments:

State Treasurer's Office	\$ 39,125.00
Comptroller General's Office	43,680.00
Attorney General's Office	145,231.00
State Budget and Control Board:	
Purchasing Division	40,663.00
State Tax Commission:	
Collection of Highway Revenue	222,028.00
Total	<hr/> \$ 490,727.00

SECTION 71

Recapitulation

Maintenance and Operation:

Section 3.	Legislative Department	\$1,385,238.00
Section 4.	Judicial Department	907,490.00

Executive and Administrative Division

Section 5.	Governor's Office	905,672.00
Section 6.	Lieutenant Governor's Office	6,850.00
Section 7.	Secretary of State	122,866.00
Section 8.	Comptroller General	944,368.00
Section 9.	Attorney General	537,580.00
Section 10.	State Treasurer	2,551,198.00
Section 11.	Adjutant General	267,692.00

Educational Division

Section 12.	University of South Carolina	8,442,852.00
Section 13.	The Citadel	2,254,669.00
Section 14.	Clemson University (Educational and General)	6,272,395.00
Section 15.	Winthrop College	2,758,543.00
Section 16.	State Medical College	5,613,128.00
Section 17.	S. C. State College	2,120,523.00
Section 18.	John de la Howe School	303,682.00
Section 19.	School for the Deaf and the Blind	1,101,422.00
Section 20.	State Superintendent of Education	138,532,537.00
Section 21.	South Carolina Opportunity School	269,910.00
Section 23.	Educational Television Commission	1,898,932.00
Section 24.	State Library Board	141,799.00
Section 26.	Advisory Committee for Technical Training	3,279,972.00
Section 27.	Archives Department	193,019.00
Section 28.	State Library	16,681.00
Section 29.	Confederate Relic Room	4,433.00

Correctional and Welfare Division

Section 30.	Department of Public Welfare	8,875,750.00
Section 31.	State Department of Mental Health	13,743,466.00
Section 32.	Whitten Village	4,030,253.00

Section 33.	Retarded Children's Habilitation Center	215,880.00
Section 34.	State Agency of Vocational Rehabilitation	1,004,602.00
Section 35.	South Carolina Sanatorium	1,219,856.00
Section 36.	S. C. Commission on Alcoholism	231,400.00
Section 37.	Children's Bureau	205,291.00
Section 38.	Probation, Parole and Pardon Board	699,396.00
Section 39.	Department of Corrections	2,415,040.00
Section 40.	State Industrial Schools' Board	97,127.00
Section 41.	S. C. School for Boys	401,323.00
Section 42.	S. C. School for Girls	172,546.00
Section 43.	John G. Richards School for Boys	359,981.00
Section 44.	Riverside School for Girls	132,520.00

Regulatory Division

Section 45.	State Budget and Control Board	31,396,403.00
Section 46.	Board of Health	3,652,478.00
Section 47.	S. C. Pollution Control Authority	128,171.00
Section 48.	State Dairy Commission	91,164.00
Section 49.	Tax Commission	4,558,231.00
Section 50.	Insurance Department	830,522.00
Section 51.	Contractors' Licensing Board	38,261.00
Section 52.	Department of Veteran's Affairs	337,129.00
Section 53.	Department of Agriculture	924,997.00
Section 54.	State Agricultural Marketing Commission	63,878.00
Section 55.	State Forestry Commission	2,805,144.00
Section 56.	Clemson University (Public Service Activities)	3,506,878.00
Section 57.	State Soil and Water Conservation Committee	182,572.00
Section 58.	Department of Labor	270,636.00
Section 60.	Industrial Commission	495,680.00
Section 61.	Wildlife Resources Department	469,149.00
Section 62.	Board of Bank Control	323,828.00
Section 63.	Public Service Commission	558,415.00
Section 64.	Aeronautics Commission	232,026.00
Section 65.	State Development Board	1,160,241.00
Section 66.	Civil Defense Agency	113,607.00

Miscellaneous Division

Section 67. Miscellaneous Appropriations	650,789.00
Section 68. Contributions Division	94,250.00
Section 69. Aid to Subdivisions	27,310,000.00
<hr/>	
Total General Fund Operating	294,832,331.00
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Total General Fund	294,832,331.00
Section 70. Highway Department	72,492,070.00
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GRAND TOTAL	367,324,401.00

SECTION 72. The expenditure of money appropriated in this Act shall be by warrant requisitions directed to the Comptroller General. Upon receipt of the requisition, accompanied by invoices or other satisfactory evidence of the propriety of the payment, and itemized according to standard budget classifications, the Comptroller General shall issue his warrant on the State Treasurer to the payee designated in the requisition. *Provided, However,* That upon approval and designation by the State Budget and Control Board, state institutions may requisition funds in favor of their own treasurer, itemized only to the extent of the purpose of the appropriation as expressed in this Act, and may deposit such funds in the name of the institution, and disburse same by check to meet the purposes of the appropriation, but strict account shall be kept of all such expenditures according to standard budget classifications.

SECTION 73. Upon the approval and designation of the State Budget and Control Board, state institutions may, at the beginning of the fiscal year, requisition from their respective appropriations, a sum of money, the amount of same to be approved by the State Budget and Control Board, to be used throughout the year as a revolving fund for the handling of payrolls and other necessary operating expenses, all payments from such revolving funds to be reimbursed to them by regular requisitions on the Comptroller General.

Provided, Further, That at all state institutions where institutional revenue is available for operation, such revenue shall, as far as practicable, be used before appropriations from the State's General Fund are requisitioned; and no funds shall be requisitioned from such appropriation except to meet actual operating obligations of the year for which such appropriations are provided.

SECTION 74. During the fiscal year 1966-67, student fees at the State institutions of higher learning shall be fixed by the respective Boards of Trustees as follows:

(1) Fees applicable to academic and general maintenance and operation costs shall be maintained at rates not less than those prevailing in the year 1965-66.

(2) Fees applicable to dormitory rental, dining halls, laundry, infirmary and all other personal subsistence expenses shall be sufficient to fully cover the cost of providing such facilities and services.

(3) Student Activity Fees may be fixed at such rates as the respective Boards shall deem reasonable and necessary.

SECTION 75. The University of South Carolina, The Citadel, Clemson University, Winthrop College, S. C. State College, the South Carolina Medical College (including revenue of the Medical College Hospital), and the South Carolina Opportunity School shall remit all revenues and income, collected at the respective institutions, to the State Treasurer according to the terms of Section 1 of this Act, but all such revenues or income so collected, except fees received as regular term tuition, matriculation, and registration, shall be carried in a special continuing account by the State Treasurer, to the credit of the respective institutions, and may be requisitioned by said institutions, in the manner prescribed in Section 72 of this Act, and expended to fulfill the purpose for which such fees or income were levied, but no part of such income shall be used for permanent improvements without the express written approval of the State Budget and Control Board; and it is further required that no such fee or income shall be charged in an amount in excess of what is necessary to supply the service, or fulfill the purpose for which such fee or income was charged. *Provided, Further,* That money derived wholly from athletic or other student contests, and any other funds derived wholly from the activities of student organizations, including income from the operation of canteens (at all State institutions) and book stores, shall not be considered as State funds, and may be retained at the institutions. *Provided, Further,* That the University of South Carolina may operate its Law School in the summer of 1966, both summer school and summer term, as it may be advised, and retain all additional tuition and other fees charged the law students therefore to aid it in such operation.

SECTION 76. All departments, institutions, and agencies of the State are hereby required and directed to budget and allocate the

appropriations herein made to them, so as to provide for operation on uniform standards throughout the fiscal year 1966-67, and in order to avoid a deficiency in such appropriations, and upon request of the Budget and Control Board to submit to the Board its budget or plan of operation for the year, and the said Board is authorized to restrict the rate of expenditures of such agency if it appears that an unjustifiable deficit is likely to occur. *Provided, Further,* That the bonds of State officials violating the terms of this section shall be held liable thereof, unless the State Budget and Control Board has been advised of, and officially recognizes, the necessity of such deficit.

SECTION 77. Each department, institution, or other agency of the State is authorized to accept and receive such Federal Aid or grants as are or may be made available by the Federal Government for use in carrying out the purposes and functions of the department, institution or agency, but such funds when and as received, shall be deposited in the state treasury, if not in conflict with Federal regulations, and withdrawn therefrom as needed, in the same manner as that provided for the disbursement of state funds. If it shall be determined that federal funds are not available for, or cannot be appropriately used in connection with, all or any part of any activity or program for which state funds are appropriated in this Act on a matching basis, the appropriated funds may nevertheless be expended for the activities or programs for which appropriated without regard to any matching arrangement. *Provided, Further,* that donations or contributions from sources other than the Federal Government, for use by any state agency, shall be deposited in the state treasury, but in special accounts, and shall be withdrawn from the treasury as needed to fulfill the purposes and conditions of the said donations, or contributions, if specified, and, if not specified, as may be directed by the proper authorities of the department or institution.

SECTION 78. Except as otherwise provided in this Act, every appropriation under the classification of A-1 Salaries for a designated position shall be paid in monthly or bi-weekly installments to the person holding such position, but where a group appropriation is made for Personal Service, such appropriation shall be expended as may be determined by the officer in charge of such appropriation. *Provided, Further,* That the appropriated salaries for specified positions shall mean the maximum compensation for such position, and in any case where the head of any department can secure the services

for a particular position or work at a lower rate than the salary specified in this Act, authority for so doing is hereby given.

Provided, Further, That no full-time employee of any State department or institution shall be paid any compensation or travel from any other department of the State Government except with the approval of the State Budget and Control Board.

SECTION 79. That salaries paid to officers and employees of the State, including its several boards, commissions and institutions shall be in full for all services rendered, and no perquisites of office or of employment shall be allowed in addition thereto, but such perquisites, commodities, services or other benefits shall be charged for at the prevailing local value and without the purpose or effect of increasing the compensation of said officer or employee; *Provided, However,* That this shall not apply to the Governor's Mansion, nor to guards at any of the State's penal institutions and nurses and attendants at the State Hospital, Whitten Village, and the S. C. Sanatorium, when the cash compensation of such employees is \$3,800.00 or less per year. *Provided, Further,* That the Presidents of the State's institutions of higher learning may be permitted to occupy a residence on the grounds of such institutions without charge. *Provided, Further,* That the Farm Director, Farm Managers and specialists employed at State Farms Nos. 1 and 3 may be permitted to occupy residences situated on such farms without charge.

Provided, Further, That all salaries paid by State institutions and departments for which a lump sum appropriation is made, and from all departmental appropriations for groups of employees, shall be submitted to and approved by the State Budget and Control Board before becoming effective; and in submitting said salaries for approval of the said Board, the total salary paid to each officer and employee, included in such lump sum or group appropriations, shall be shown; and in any institution or department where one or more salaries are supplemented, the amount of such supplement shall be reported to the said Board for approval, and the source of such supplement.

SECTION 80. *Provided,* that the authorities of all institutions and departments for which a lump sum operating appropriation is provided, shall, if requested, before the beginning of the fiscal year to which such appropriations are applicable, submit to the State Budget and Control Board for approval an itemized budget for the operation

of such department or institution during the ensuing fiscal year, and shall further report upon the Board's request, any subsequent changes in such approved budget so as to reflect the actual detailed operating costs of such department or institution.

Provided, Further, That no part of such lump sum appropriations shall be used for permanent improvements unless specifically authorized herein.

SECTION 81. That all employees of the State of South Carolina or any agency thereof while traveling on the business of the State shall be allowed for subsistence expenses amounts not to exceed \$12.50 per day while traveling in the State and \$16.00 per day while traveling outside the State, except that the Governor, Lieutenant Governor, State Treasurer, Attorney General, and Secretary of State shall be reimbursed actual expenses.

Whenever Agents, Auditors, Investigators, or other such employees of the State, are required in the performance of their regular audit or investigation duties to travel to cities of two hundred fifty (250,000) thousand, or greater, population, such employees shall be allowed for subsistence expense an amount not to exceed \$18.50 per day.

No expense shall be allowed an employee either at his place of residence or at the official headquarters of the agency by which he is employed, except that the members of the Public Service Commission may be reimbursed at the regular mileage rate for one round trip each week from their respective homes to Columbia and may receive the regular subsistence allowance of other State employees for not exceeding three days in any week while in Columbia on official business.

When an employee is assigned to work a particular territory or district, and such territory or district and his official headquarters are in different localities, or sections of the State, expenses may be allowed for necessary travel to his official headquarters.

Members of the State Boards, Commissions or Committees, whose duties are not full time, and who are paid on a per diem basis, shall be allowed subsistence expense at the general daily rates provided for in this section while away from their places of residence on official business of the State.

Each Circuit Judge while holding Court within or without the circuit in which he resides, and each Justice of the Supreme Court, while

traveling upon official business of said Court, shall be allowed the sum of fifteen (\$15.00) dollars per day as subsistence expenses, and each Justice and Judge shall further receive such mileage allowance for travel as is provided for other employees of the State. One member of the Supreme Court while attending the Conference of Chief Justices and one member of the Supreme Court while attending the National Convention of Appellate Court Judges shall be allowed actual subsistence and travel expenses, and two Circuit Judges while attending the National Convention of State Trial Judges.

When an employee of the State shall use his or her personal automobile in traveling on necessary official business, a charge of 9 cents per mile will be allowed for the use of such automobile, and the employee shall bear the expense of supplies and upkeep thereof. When such travel is by a state-owned automobile, the State shall bear the expense of supplies and upkeep thereof, but no mileage will be allowed. *Provided*, That in traveling on the business of the State, employees are required to use the most economical mode of transportation, due consideration being given to urgency, schedules, and like factors.

No State-owned automobile shall be acquired by any agency of the State without prior approval of the State Budget and Control Board.

The State Budget and Control Board is authorized to promulgate and publish regulations governing the application of the above-provided rates of travel of State employees.

SECTION 82. That the Legislative members of State boards and commissions shall serve in their respective capacities as members of said boards and commissions until their successors shall have been elected or appointed, and qualified.

SECTION 83. That the per diem allowance of all boards, commissions and committees shall be at the rate of Ten (\$10.00) Dollars per day. *Provided*, That no full-time officer or employee of the State shall draw any per diem allowance for service on such boards, commissions or committees.

SECTION 84. That if necessary the board of trustees of State institutions of higher learning may limit the admission of students upon the basis of scholarship standing, or upon any other basis determined upon by the respective boards. *Provided, Further*, That no State scholarships shall be granted by State institutions of higher learning,

namely: The University of South Carolina, The Citadel, Clemson University, and Winthrop College.

SECTION 85. Foreign citizens, friendly to the United States, who are beneficiaries of scholarships to any of the State's institutions of higher learning, which scholarships are provided for by the student body of such institution, or donation from private citizens of South Carolina, shall be allowed to pay tuition at the same rates as residents of the State.

SECTION 86. The Boards of Trustees of the University of South Carolina, The Citadel, Winthrop College, Clemson University, and S. C. State College, are hereby authorized to abate the tuition fee charged at these institutions to the extent of Fifty (\$50.00) Dollars to the winner of the American Legion High School Oratorical Contest and to the Governor of Boys' State and to the highest ranking student in the State in the annual National Science Talent Search and to the Governor of Girls' State; and said abatements to be for four (4) years in each instance. As to the winner of the American Legion High School Oratorical Contest and the Governor of Boys' State, the abatement shall be granted only when the American Legion, Department of South Carolina, shall have contributed a like amount per year. The abatement of tuition herein provided is for the purpose of furnishing a scholarship of One Hundred (\$100.00) Dollars per year to the winners of the above contests, the State of South Carolina and the American Legion, Department of South Carolina, co-operating on an equal basis in providing these scholarships.

SECTION 87. In addition to the powers and duties devolved upon the Budget and Control Board by the 1962 Code of Laws of this State, the said Board is hereby given full power and authority to make surveys, studies, and examinations of departments, institutions, and agencies of this State, as well as its problems, so as to determine whether there may be an overlapping in the performance of the duties of the several departments, institutions, and agencies of the State, that proper administrative and organizational economy is being observed, and for the purpose of determining whether a proper system of accounting is maintained in such departments, institutions, commissions, and agencies, and to require and enforce the adoption of such policies as are deemed necessary to accomplish these purposes; and to survey, appraise, examine and inspect, and determine the true condition of all property of the State, and what may be necessary to

protect it against fire hazard or deterioration, and to conserve its use for State purposes, and to make and issue and to enforce all necessary, needful, and convenient rules and regulations for the enforcement of this provision and to approve the destruction or disposal of records of no value to the State. *Provided, Further,* That the State Budget and Control Board may require that all plans and specifications for permanent improvements of any nature by any state department or institution shall be submitted to the said Board for approval prior to the awarding of any contract therefor, or prior to construction by any other means. *Provided, Further,* That the State Budget and Control Board shall have the authority to designate State officials and employees who should be bonded, and the amounts for which such bonds should be written, and to require the same to be done.

SECTION 88. Any maintenance appropriations made herein or by special act now or hereafter, are hereby declared to be maximum, conditional and proportionate, the purpose being to make them payable in full in the amount named herein, if necessary, but only in the event the aggregate revenues available during the period for which the appropriation is made are sufficient to pay them in full. The State Budget and Control Board shall have full power and authority to survey the progress of the collection of revenue and the expenditure of funds by all departments and institutions, and is hereby authorized and directed to make such reductions of appropriations as may be necessary to prevent a deficit; *Provided,* That no institution or activity for which the General Assembly has herein provided shall be discontinued. *Provided, Further,* That any reduction of appropriations by the said Board, under authority of this Act, shall be uniform, and shall apply to all appropriations provided in this Act, except any part of such appropriations which may be encumbered by a written contract with an agency not connected with the State Government; and *Provided, Further,* That in making such reductions earmarked revenues shall be considered as a part of the amounts appropriated. *Provided, Further,* That no such reduction shall be ordered by the State Budget and Control Board while the General Assembly is in session without first reporting such necessity to the General Assembly.

Provided, Further, That the State Budget and Control Board is hereby authorized to borrow such amounts of money as may be neces-

sary to pay appropriations made by the General Assembly, and to pledge for the payment of such loans any General Fund assets, including revenues of the next succeeding fiscal year.

Provided, Further, That the disbursement of all funds appropriated in this act for educational purposes shall be in the discretion of the State Budget and Control Board.

Provided, Further, That the expenditure of funds, heretofore or hereafter provided, by any State Agency, except the State Highway Department, for permanent improvements as defined in the State Budget, shall be subject to approval and regulations of the State Budget and Control Board. The Board shall have authority to allot to specific projects from funds made available for such purposes, such amounts as are estimated to cover the respective costs of such projects, to declare the completion of any such project, and to dispose, according to law, of any unexpended balances of allotments, or appropriations, or funds otherwise provided for such projects, upon the completion thereof.

SECTION 89. That transfers of appropriations herein provided may be made within departments, upon the unanimous approval of the State Budget and Control Board, but no such transfer shall be permitted for the purpose of increasing the compensation of any State employee which is specifically fixed in this Act.

SECTION 90. For the year 1966-67, the compensation of all employees of the State government shall be increased ten percent. The calculation of this increase shall be based on the total compensation of each employee from all sources, including State appropriated funds, federal and other funds, it being the intent of this section that increases shall be paid proportionately from each source. All appropriations in this Act for "Salary and Wage Adjustments" shall be available only for that portion of increases applicable to State appropriated sources, and shall be applied only by transfer to the respective salary accounts approved by the Budget and Control Board. *Provided, Further,* That with respect to the six institutions of higher learning, it is the intent of the General Assembly that the salary of each employee be increased in 1966-67 to not less than 26.1% above the salary for his position in 1958-59, but in no event shall his salary be less than his salary for 1965-66. *Provided, However,* That the provisions of this section shall not apply to the compensation of constitutional officers, justices and judges of the State courts, nor to any employee

whose compensation is specifically increased in this Act by ten per cent or more.

SECTION 91. Subsection (a). The Budget and Control Board through its Division of General Services is hereby directed to assess and collect a rental charge from all departments and agencies of the State Government occupying space in the Calhoun Building, the Wade Hampton Building, the Heyward Building, the Lynch Building, the Rutledge Building, the Sims Building, the Middleton Building, and the Wallace Apartments, all in the City of Columbia. The amount charged each department or agency shall be calculated on a square foot, or other equitable basis of measurement, and at such rates as will yield sufficient total annual revenue to cover, in priority order, both (1) the annual principal and interest due on the \$6,500,000.00 capital improvement obligation authorized in the 1964-65 General Appropriation Act and (2) maintenance and operation costs of the above mentioned buildings.

Subsection (b). All departments and agencies against which rental charges are assessed and whose operations are financed in whole or in part by Federal and/or other non-appropriated funds are directed to apportion the payment of such charges equitably among all such funds, so that each shall bear its proportionate share. All appropriations in this Act itemized for "State Office Building Rental" shall be available only for payment of that portion of rental charges applicable to State appropriated operations.

Subsection (c). Rental collections shall be deposited by the General Services Division in the State Treasury in a special account and shall be expended only for (1) payment of principal and interest due the Insurance Sinking Fund on the \$6,500,000.00 capital improvement obligation and (2) maintenance and operation costs of the buildings listed in subsection (a) above.

SECTION 92. Notwithstanding provisions to the contrary in Sections 1-781 and 1-782, as now constituted and amended in this Act, the General Fund Reserve shall be fixed by the State Budget and Control Board at \$14,500,000.00 at the end of the fiscal year 1965-66 and at \$10,000,000.00 at the end of the fiscal year 1966-67.

SECTION 93. That unless specifically authorized herein, the appropriations provided in this Act as ordinary operating expenses of the State Government shall lapse on August 31, 1967. *Provided*, That

appropriations for permanent improvements, or for other specific purposes aside from ordinary operating expenses, now outstanding or hereafter provided, shall lapse at the end of the second fiscal year following the close of the fiscal year in which such appropriations were provided, unless definite commitments shall have been made, with the approval of the State Budget and Control Board, toward the accomplishment of the purposes for which the appropriations were provided.

End of Part I

PART II

Permanent Provisions

SECTION 1

It is hereby declared to be the intent of the General Assembly that the following sections shall constitute a part of the permanent laws of the State of South Carolina, and the Code Commissioner is hereby directed to include same in the next edition of the Code of Laws of South Carolina and all supplements to the Code.

SECTION 2

Compensation of the Governor

Section 1-102 of the 1962 Code of Laws, as amended, is hereby further amended by striking out the words "twenty thousand" on the second line and inserting in lieu thereof the words "twenty-five thousand" so that as amended herein the Section shall read as follows:

"Section 1-102. The Governor shall receive an annual salary of twenty-five thousand dollars."

SECTION 3

Compensation of the Lieutenant Governor

Section 1-131, Code of Laws of South Carolina, 1962, is amended by striking it out and inserting the following:

"Section 1-131. The Lieutenant Governor shall receive an annual salary of seven thousand five hundred dollars."

SECTION 4

Compensation of Constitutional Officers

Beginning with the terms of office following the general election of 1966, the salaries of the Constitutional Officers, namely, The Secre-

tary of State, the Attorney General, the Comptroller General, the State Treasurer, the State Superintendent of Education, and the Adjutant and Inspector General shall be twenty thousand (\$20,000-.00) dollars per year.

SECTION 5

Compensation of Supreme Court Justices

Section 15-103 of the 1962 Code of Laws as amended is hereby further amended by striking out the words "twenty thousand" on line 2 and "nineteen thousand five hundred" on line 3 and inserting in lieu thereof respectively the words "twenty-five thousand" and "twenty-four thousand five hundred" so that the Section as herein amended shall read as follows:

"Section 15-103. The Chief Justice shall receive an annual salary of twenty-five thousand dollars and the Associate Justices shall receive an annual salary of twenty-four thousand five hundred dollars. They shall not be allowed any fees or perquisites of office, nor shall they hold any other office of trust or profit under the State, the United States, or any other power."

SECTION 6

Compensation of Circuit Judges

Section 15-212 of the 1962 Code of Laws is hereby amended by striking out the words "nineteen thousand five hundred" on line 2 and inserting in lieu thereof the words "twenty-four thousand five hundred", so that as amended the Section shall read as follows:

"Section 15-212. The Circuit Judges shall each receive an annual salary of twenty-four thousand five hundred dollars."

SECTION 7

Schedule of State Aid for Teachers' Salaries

Section 21-258 of the 1962 Code of Laws, as amended, is hereby further amended by striking out the tabulated schedule of State Aid for Teachers' Salaries and substituting therefor the following tabulated schedule:

SOUTH CAROLINA STATE AID TEACHERS' SALARY SCHEDULE

	Prior Yrs. Exp.	CLASS I (Master's Degree— Regular)				CLASS II (Bachelor's Degree Plus 18 Semester Hours Graduate Work)				CLASS III (Bachelor's Degree)				CLASS IV Advanced (Three Years College)				CLASS V Regular (Two Years College)				CLASS V (Less Than Two Years College)			
		A	B	C	D	A	B	C	D	A	B	C	D	A	B	C	D	A	B	C	D	A	B	C	D
1. Probationary	0	553 4977	496 4464	396 3564	.....	454 4086	370 3330	.....	.....	429 3861	364 3276	235 2295	195 1735	332 2988	284 2556	217 1953	167 1503	303 2727	212 2439	167 1908	121 1503	212 2214	167 1917	121 1449	.....
	1	568 5112	506 4554	404 3636	.....	463 4167	378 3402	.....	.....	438 3942	371 3339	260 2340	200 1800	339 3051	290 2610	222 1998	172 1548	310 2790	277 2493	217 1953	172 1548	277 2277	217 1971	166 1494	.....
2. Intermediate and Intermediate Professional	2	583 5247	516 4644	412 3708	.....	472 4248	386 3474	.....	.....	447 4023	378 3402	265 2385	205 1845	346 3114	296 2664	227 2043	177 1593	317 2853	283 2547	227 1998	177 1593	260 2240	225 2025	171 1539	.....
	3	598 5382	526 4734	420 3780	.....	481 4329	394 3546	.....	.....	456 4104	385 3465	270 2430	210 1890	353 3177	302 2718	232 2088	182 1638	324 2916	289 2601	227 2043	182 1638	267 2340	231 2079	176 1584	.....
4. Intermediate Professional	4	613 5517	536 4824	428 3852	.....	499 4410	402 3618	.....	.....	465 4185	392 3528	275 2475	215 1935	360 3240	308 2772	237 2133	187 1683	331 2979	295 2655	232 2088	187 1683	274 2466	237 2135	181 1629	137
	5	628 5652	546 4914	436 3924	.....	499 4491	410 3690	.....	.....	474 4266	399 3591	280 2520	220 1980	367 3303	314 2826	242 2178	192 1728	338 3042	301 2709	237 2133	192 1728	281 2529	243 2187	186 1674	1422
3. Advanced Professional	6	643 5787	556 5004	445 4005	.....	508 4572	418 3762	.....	.....	483 4347	406 3654	285 2565	225 2025	374 3366	320 2880	247 2223	197 1773	345 3105	307 2763	242 2178	197 1773	288 2592	249 2241	191 1719	1467
	7	658 5922	567 5103	454 4086	.....	517 4653	426 3834	.....	.....	492 4428	413 3717	290 2610	230 2100	367 3303	314 2826	242 2178	192 1728	338 3042	301 2709	237 2133	192 1728	281 2529	243 2187	186 1674	1422
8	8	673 6057	578 5202	463 4167	.....	526 4734	434 3906	.....	.....	501 4509	420 3780	295 2655	235 2115	374 3366	320 2880	247 2223	197 1773	345 3105	307 2763	242 2178	197 1773	288 2592	249 2241	191 1719	1467
	9	689 6201	589 5301	472 4248	.....	535 4815	443 3987	.....	.....	510 4590	427 3843	300 2700	240 2160	367 3303	314 2826	242 2178	192 1728	338 3042	301 2709	237 2133	192 1728	281 2529	243 2187	186 1674	1422
10	10	705 6345	600 5400	481 4329	.....	544 4896	452 4068	.....	.....	519 4671	434 3906	305 2745	245 2205	374 3366	320 2880	247 2223	197 1773	345 3105	307 2763	242 2178	197 1773	288 2592	249 2241	191 1719	1467
	11	721 6489	611 5499	490 4410	.....	553 4977	461 4149	.....	.....	528 4752	442 3978	310 2790	250 2250	374 3366	320 2880	247 2223	197 1773	345 3105	307 2763	242 2178	197 1773	288 2592	249 2241	191 1719	1467
12	12	737 6633	622 5598	499 4491	.....	562 5058	470 4230	.....	.....	537 4833	450 4050	315 2835	255 2295	374 3366	320 2880	247 2223	197 1773	345 3105	307 2763	242 2178	197 1773	288 2592	249 2241	191 1719	1467
	13	753 6777	633 5697	508 4572	.....	571 5139	479 4311	.....	.....	546 4914	458 4122	320 2880	260 2340	374 3366	320 2880	247 2223	197 1773	345 3105	307 2763	242 2178	197 1773	288 2592	249 2241	191 1719	1467
14 Permanent Professional	14	769 6921	644 5796	517 4653	.....	580 5220	488 4392	.....	.....	555 4995	466 4194	325 2925	260 2340	374 3366	320 2880	247 2223	197 1773	345 3105	307 2763	242 2178	197 1773	288 2592	249 2241	191 1719	1467

Advanced Professional and Permanent Professional Certificates are not issued in Classes IV or V. Class IV Advanced, however, carries a final State Aid increment after 14 years, while no increment is provided after six years for Class IV Regular and Class V.

1st Figure—Salary for one month.

2nd Figure—Salary for nine months.

SECTION 8

Public School Maintenance and Operation Funds

Section 21-261 of the Code of Laws of South Carolina of 1962, is hereby amended by striking out the words "five dollars" on line three and substituting therefor the words "ten dollars" so that as amended the Section shall read as follows:

"Section 21-261. In addition to all other State aid, each school district or operating unit shall be allowed, for maintenance and operation, ten dollars a school year for each pupil. Such allowance shall be based on enrollment. These funds shall be disbursed monthly along with the disbursement of funds for teachers' salaries."

SECTION 9

Driver Education and Training Programs

A. The governing board of any school district maintaining a secondary school which includes any grades nine through twelve, inclusive, shall establish driver education and training programs for students in high school grades.

B. The State Board of Education shall promulgate rules and regulations for establishment by local school districts of approved driver education and training courses, and when duly promulgated shall have full force and effect of law. Such regulations shall require that credit for completion of a driver education training course shall not be given unless the course shall have included not less than thirty classroom hours of instruction in driver education, and not less than six hours of actual behind-the-wheel driving.

C. The rules and regulations of the State Board of Education and training course shall be under the supervision of a qualified driver education teacher. Such rules and regulations shall include instrumental standards, teacher qualifications, reimbursement procedure, and other requirements which will further implement the purposes and intent of this section.

D. The State Board of Education shall allow to each school district operating a driver education training program an amount equal to thirty dollars per pupil completing the standard prescribed course in the program in that school district during the preceding fiscal year in accordance with the regulations set forth by the State Board of Education for instructing pupils in driver education and training.

E. This section shall take effect July 1, 1968.

SECTION 10

Schoolbook Commission under Direction of State Board of Education

(A) Notwithstanding the provisions of Title 21, Chapter 14, Sections 21-451 through 21-596, Code of Laws of South Carolina, 1962, and any other laws to the contrary, the powers, duties and responsibilities of the Schoolbook Commission are hereby devolved upon the State Board of Education; and the personnel of the Schoolbook Commission are hereby transferred to the State Department of Education to be staffed and operated as the Division of Textbooks. The Schoolbook Commission shall serve as an advisory committee to the State Board of Education in all matters relating to school textbooks.

(B) Section 21-451, Code of Laws of South Carolina of 1962, is hereby amended by striking out the Section and substituting therefor the following:

“Section 21-451. The State Schoolbook Commission shall be composed of the Director of the Division of Textbooks in the State Department of Education; one member of the State Board of Education, to be designated by the Board; three County Superintendents of Education, to be selected by the Association of County Superintendents of Education; and two members to be appointed by the Governor from the State at large. Except for the Director of the Division of Textbooks, all members of the Commission shall serve for terms of three years. Members of the Commission shall be allowed the prevailing per diem and expense allowance rates provided for Boards and Commissions, except that the Director of the Division of Textbooks shall not be entitled to per diem.”

SECTION 11

Educational Finance Commission under Direction of State Board of Education

(A) Notwithstanding the provisions of Title 21, Chapter 4, Sections 21-52, through 21-58, Code of Laws of South Carolina, 1962, and any other laws to the contrary, the powers, duties and responsibilities of the Educational Finance Commission are hereby devolved upon the State Board of Education; and the personnel of the Educational Finance Commission are hereby transferred to the State Department of Education to be staffed and operated as the Division of Schoolhouse Building and Planning and Transportation. The Educational Finance Commission shall act as advisors to the State Board of Education in all matters relating to the planning and construction of public schools and the transportation of students.

(B) (1) Section 21-53 of the Code of Laws of South Carolina of 1962, is hereby amended by striking out the Section and substituting therefor the following:

“Section 21-53. The Commission shall be composed of seven members appointed by the Governor by and with the advice and consent of the Senate, not more than two of whom shall come from the same congressional district. Appointments shall be for a term of five years. No person employed in the public school system shall be a member of the Commission. Any vacancy occurring before the expiration of a term shall be filled only for the remaining portion of that particular term.”

(2) Section 21-54 of the Code of Laws of South Carolina of 1962, is hereby amended by striking out the Section and substituting therefor the following:

“Section 21-54. Members of the Commission shall receive such compensation as may be provided by the General Assembly and shall be allowed mileage and subsistence expenses provided generally for State Boards and Commissions.”

(3) Section 21-55 of the Code of Laws of South Carolina of 1962, is hereby amended by striking out the Section and substituting therefor the following:

“Section 21-55. The Governor shall designate a member of the Commission to serve as Chairman. Meetings of the Commission shall be held on call of the Chairman or of a majority of the members. The Commission shall adopt rules and regulations to govern its proceedings. Five members shall constitute a quorum for the transaction of business.”

SECTION 12

Gasoline Tax—School Bus Service Vehicles

Section 65-1064.2 of the 1962 Code of Laws is hereby amended by striking out the Section and substituting therefor the following:

“Section 65-1064.2. Gasoline purchased for and used in State owned school buses and in State owned administrative and service vehicles used in the pupil transportation program shall be exempt from State gasoline taxes. The State Educational Finance Commission, together with the State Highway Department, and the Tax Commission, shall determine the method and procedure for the administration of this Section.”

SECTION 13

South Carolina Retirement System

(A) Section 61-211 of the Code of Laws of South Carolina, 1962, as amended, relating to supplemental retirement benefits of certain persons, is further amended by striking out the said Section and inserting in lieu thereof the following:

“Section 61-211. Any person who has retired or may retire under the provisions of the South Carolina Retirement Act while in service as such teacher or employee, and who has twenty or more years of creditable service shall be paid from the general fund of the State a monthly sum, in addition to the retirement allowance he may receive under the act, to provide him a minimum of eighty dollars per month, plus one dollar per month for each completed year of creditable service in excess of twenty years. *Provided, However,* That should such teacher or employee elect to receive a reduced retirement allowance as provided in the act, he shall be paid under the provisions of this section only such amount as would be paid under the section had he not elected such optional allowance.”

This subsection (A) shall be effective July 1, 1966.

(B) Section 61-47, Code of Laws of South Carolina, 1962, is amended by adding at the end thereof the following:

“Notwithstanding the foregoing, effective July 1, 1966, and for a three-month period thereafter, any Class 1 employer may elect to become a Class 2 employer and have employees in its employ participate under the provisions of the System as amended effective July 1, 1964; *provided,* that within the calendar year 1966 such employer and each and every such member shall make such additional contributions to the System as would have been required had such employer become a Class 2 employer as of July 1, 1964.”

SECTION 14

South Carolina Police Officers Retirement System

(A) Act No. 799 of 1962, as amended, is further amended by adding Section 13A to read as follows:

“Section 13A. (1) Effective July 1, 1966, there is hereby established a Supplemental Allowance Program to be administered by the board as part of the system and to provide supplemental allowances for eligible members as hereinafter provided.

(2) The State shall participate in the Supplemental Allowance Program as outlined in this section as of July 1, 1966. Any other em-

ployer may, in its discretion, participate in the Supplemental Allowance Program by making application to the board to so participate and by complying with the requirements of this section and the rules and regulations adopted by the board for its implementation. Such application shall be made and the employer's participation in the program shall be effective in a manner similar to that provided for applications for and admission to the system as set forth in Section 4, except item (2).

(3) (a) Any member who is employed as a police officer by a participating employer on the employer's participation date and whose rate of salary or compensation on such date exceeds four hundred dollars per month, shall become a participant in the program on that date, shall be eligible for a supplemental allowance as outlined in this section and shall make supplemental contributions pursuant to item (9) below; except that such member in the employ of a participating employer on such employer's participation date may, within a period of one month following such date, irrevocably elect not to participate in such program by filing with the board, on a form prescribed by it, a notice of his election not to make such supplemental contributions and a duly executed waiver of the supplemental allowance which would otherwise be payable to him pursuant to this section.

(b) Any member who is employed as a police officer by a participating employer on the employer's participation date and whose salary or compensation on such date is not in excess of four hundred dollars per month shall become a participant in this program as of the first day of the calendar month in which his rate of salary or compensation first exceeds four hundred dollars per month.

(c) Any person who is first employed as a police officer by a participating employer after the employer's participation date shall, as a condition of his employment, become a participant in this program as of the first day of the calendar month in which his rate of salary or compensation first exceeds four hundred dollars per month.

(4) Upon retirement, a member who has participated in the Supplemental Allowance Program will receive a supplemental allowance which shall be a monthly retirement allowance equal to the sum of (a) and (b) below:

- (a) an allowance which is the actuarial equivalent of the member's accumulated supplemental contributions; and
- (b) an amount equal to the allowance provided in (a) above.

(5) Upon the death of a member prior to his retirement and prior to his withdrawal of contributions on his ceasing to be a police officer

under item (7) below, the amount of his accumulated supplemental contributions, if any, shall be paid to such person as he shall have nominated by written designation duly acknowledged and filed with the board, otherwise to his estate.

(6) Upon the death of a beneficiary who has not elected an optional form of allowance in accordance with item (8) below, a lump sum amount shall be paid to such person as he shall have nominated by written designation duly acknowledged and filed with the board, otherwise to his estate. Such lump sum amount shall be equal to the excess, if any, of his total accumulated supplemental contributions at the time his allowance commenced over the sum of the supplemental allowance payments made to him during his lifetime.

(7) Should a member cease to render service as a police officer to an employer, except by reason of death or retirement, his aggregate supplemental contributions, if any, shall be paid to him in the manner and pursuant to the time limitations set forth in Section 10.

(8) Anything in this section to the contrary notwithstanding, a member who participates in the Supplemental Allowance Program may, in a manner similar to that set forth in Section 12, elect to convert the supplemental allowance otherwise payable on his account after his retirement into an allowance of equivalent actuarial value, in accordance with one of the options therein set forth.

(9) Each member participating in the Supplemental Allowance Program shall make monthly supplemental contributions equal to six per cent of the portion of the monthly salary or compensation in excess of four hundred dollars received by him during his participation in the program.

In addition, each such member may irrevocably elect, within a period of one month following his date of participation, to contribute the amount which would have resulted had he, during each month of his credited service prior to his date of participation, made a contribution to the system equal to two per cent of the portion of his rate of monthly salary or compensation in excess of four hundred dollars during the month immediately preceding his date of participation in the program and had such contributions been accumulated with interest at the rate of four per cent per annum. If the member elects to make such additional voluntary contributions they shall be made within twelve months after his participation in the Supplemental Allowance Program commences, in such manner as the board may deem reasonable.

(10) As of the employer's participation date and as of each July 1 thereafter the board shall certify to each employer participating in the Supplemental Allowance Program the amount of employer supplemental contribution due the system. The amount of employer contribution payable during the first such period shall be equal to an estimate of the total amount of supplemental contributions that will be made by the participating members employed by that employer during the ensuing period up to the subsequent July first. However, the portion of such members' contributions which is in respect to service prior to the participation date shall be excluded from such estimate. The amount of employer contributions in any subsequent period shall be computed in a similar manner but the resulting amount shall be adjusted by the difference between the estimated amount of such member contributions and the amount of such contributions actually made. The estimate of the amount of contributions that will be made by the members during a period shall be based on the most recent payroll information available as of the date of the certification.

The participating employer shall make an additional level annual contribution for a period of ten years subsequent to its participation date. Such additional contributions shall, in total, be sufficient to liquidate an amount equal to the total contributions by its participating members with respect to their service prior to the employer's participation date. For the purpose of calculating this additional contribution an interest rate of four per cent per annum shall be used.

Any forfeitures shall be used to reduce the contributions otherwise payable by a particular participating employer, and will not be applied to increase the benefits of any participating member."

(B) Item (1) of Section 4 of Act No. 799 of 1962, as amended, is further amended by adding at the end thereof the following:

"Notwithstanding the foregoing, if such application is received prior to July 1, 1966, the requested date of the admission shall be July 1, 1962; *provided*, that contributions are made to the system within the calendar year 1966, in such manner as the board deems reasonable, by the political subdivision seeking such admission and each and every police officer in its employ who will become a member following such admission, in amounts respectively equal to the total contributions which they would have made had such political subdivision become an employer as of July 1, 1962."

(C) Item (1) of Section 5 of Act No. 799 of 1962, as amended, is further amended by striking it out and inserting in lieu thereof the following:

“(1) The credited service of a member shall include all service as a police officer rendered to an employer since he last became a member and in respect of which he made contributions to the system. It shall also include, in the case of a member (a) who became such on or before June 30, 1963, or who became such as of July 1, 1962, through the operation of the last sentence of Item (1) of Section 4 of Act No. 799 of 1962 and (b) who remained a member continuously thereafter until his death or his retirement under the system and (c) who was, immediately prior to his becoming a member, a participant in an other fund, service which was credited to him under such other fund, except for the period, if any, from July 1, 1962 to the date of admission requested by his employer; *provided*, that within two months of the date of his membership, he shall have caused the amount of his full contributions made under such other fund in respect of such service to be transferred to the system.”

SECTION 15

Tax Commission—Gross Receipts Records

Section 65-73 of the 1962 Code of Laws is hereby amended by striking out the said Section in its entirety and substituting therefor the following:

“Section 65-73. Notwithstanding any other provisions of law to the contrary, the Tax Commission shall make available to the authorities of any municipality in the State levying a tax based on gross receipts any records indicating the amount of such receipts reported to the Tax Commission; *provided* that income tax records shall be made available not before July 1, 1967 and only in the event the Tax Commission has first satisfied itself that the gross receipts reported to the municipality were less than such gross receipts as indicated by the records of the Tax Commission.”

SECTION 16

Subsistence Expenses of Members of General Assembly

(A) Section 30-52.1 of the 1962 Code of Laws of South Carolina, as amended, is further amended by striking out the Section and substituting therefor the following:

“Section 30-52.1. Except for Legislative days which, by Senate or House action, are designated for consideration only of local and uncontested matters, members of the General Assembly, including the Lieutenant Governor, shall be paid for each Legislative day, as

subsistence expenses, fifteen dollars per day. *Provided*, such subsistence shall be paid for each calendar day occurring within the same Legislative day to members of that body in session on each such calendar day. *Provided, However*, that no members shall be paid for more than forty Statewide days of any legislative session to cover such expenses.”

This subsection (A) shall be effective as of January 1, 1966.

(B) Section 30-52.1 of the 1962 Code of Laws of South Carolina, as amended in subsection (A) above, is further amended by striking out the last proviso so that as amended the Section shall read as follows:

“Section 30-52.1. Except for Legislative days which, by Senate or House action, are designated for consideration only of local and uncontested matters, members of the General Assembly, including the Lieutenant Governor, shall be paid for each Legislative day, as subsistence expenses, fifteen dollars per day. *Provided*, such subsistence shall be paid for each calendar day occurring within the same Legislative day to members of that body in session on each calendar day.”

This subsection (B) shall become effective July 1, 1966.

SECTION 17

Transfer of State Fire Marshal to Budget and Control Board

Effective July 1, 1966, the office of State Fire Marshal is hereby transferred to the Budget and Control Board to function as an independent agency under the division of General Services. The State Fire Marshal shall be selected by the said Board and shall have all of the duties and responsibilities formerly exercised by the Chief Insurance Commissioner as ex officio State Fire Marshal, as set forth in Section 37-80 et seq., and Section 47-1171, et seq., Code of Laws of South Carolina, 1962. The State Fire Marshal's term shall be for a period of 4 years, during which time he shall be removed from office only by a majority vote of the said Budget and Control Board.

SECTION 18

State Parks

The Code of Laws of South Carolina, 1962, is amended by adding Section 51-2.5 which shall read as follows:

“Section 51-2.5. Notwithstanding the provisions of Sections 51-2.1 through 51-2.4, the State Commission of Forestry shall open any State Park to public use for such normal recreational, educational and

forestry purposes and uses, and for such hours of operation as it shall deem advisable.”

SECTION 19

Definition of Domestic Wine

Section 1 of Act No. 748 of 1962 is amended by adding the following at the end of the first line: “of which the predominant ingredient is”. The section when amended shall read as follows:

“Section 1. Domestic wine is wine of which the predominant ingredient is manufactured wholly within the State of South Carolina from fruits and berries grown wholly within this State and produced from natural fermentation.”

SECTION 20

Minimum Age for Drivers Licenses

(A) Section 46-154, Code of Laws of South Carolina, 1962, is amended by striking the word “fourteen” on lines 5 and 7 and inserting the word “fifteen” so that when amended the section shall read as follows:

“Section 46-154. The Department shall not issue any motor vehicle driver’s license under this chapter to:

(1) Any person who is under sixteen years of age, except that the Department may issue a beginner’s or instruction permit as provided in Sections 46-155 and 46-156 to any person who is at least fifteen years of age and except that the Department may issue a special restricted driver’s license to any person who is at least fifteen years old and less than sixteen years as provided in Section 46-166;

(2) Any person whose license has been suspended during such suspension or any person whose license has been revoked, except as otherwise provided for in this chapter;

(3) Any person who is an habitual drunkard, an habitual user of narcotic drugs or an habitual user of any other drug to a degree which renders him incapable of safely driving a motor vehicle;

(4) Any person who has previously been adjudged to be afflicted with or suffering from any mental disability or mental disease and who has not at the time of application been restored to competency by methods provided by law;

(5) Any person who is required by this chapter to take an examination, unless such person shall have successfully passed such examination;

(6) Any person who is required under the laws of this State to deposit proof of financial responsibility and who has not deposited such proof or

(7) Any other person who may not be issued a license as otherwise provided by the laws of this State.”

(B) Section 46-155, Code of Laws of South Carolina, 1962, is amended by striking the word “fourteen” on line 1 and inserting the word “fifteen”, by striking the word “such” on line 11 and by striking on lines 14 and 15 the words “therefor, if over sixteen years of age,” so that when amended the section shall read as follows:

“Section 46-155. Any person who is at least fifteen years of age may apply to the Department for a beginner’s permit. The Department may, after the applicant has successfully passed all parts of the examination other than the driving test, issue to the applicant a beginner’s permit which shall entitle the applicant having such permit in his immediate possession to drive a motor vehicle upon the public highways for a period of not more than six months. While so driving such permittee must be accompanied by a licensed driver twenty-one years of age or older who has had at least one year of driving experience, and who is occupying a seat beside the driver, except in the event the permittee is operating a motorcycle. Any beginner’s permit may be renewed or a new permit issued for additional periods of six months, but the Department may refuse to renew or issue a new permit where the examining officer has reason to believe that the applicant has not made a bona fide effort to pass the required driver’s road test or does not appear to the examining officer to have the aptitude to pass such road test. No fee shall be charged for a beginner’s permit.”

(C) Section 46-166, Code of Laws of South Carolina, 1962, is amended by striking “fourteen” on line three and inserting in lieu thereof “fifteen”. The section when amended shall read as follows:

“Section 46-166. The Department may issue a special restricted driver’s license to any person who is at least fifteen years old and less than sixteen years old, who has first acquired a beginner’s permit or an instruction permit and who has successfully passed such road tests or otherwise as the Department may in its discretion prescribe, which special restricted driver’s license shall be valid and lawful only under the following conditions:

(1) In the operation of all type vehicles, except that between the hours of six o’clock P. M. and six o’clock A. M. the holder of such

special restricted driver's license must be accompanied by a licensed adult, twenty-one years of age or more, or accompanied by the holder's parent or guardian;

(2) In the operation of farm machinery and equipment, other than a passenger car, while engaged in agricultural pursuits; and

(3) In the operation of a motor scooter or light motor-driven cycle of five brake horsepower or less."

(D) This section shall take effect on February 15, 1967.

SECTION 21

General Fund Reserve

Sections 1-781 and 1-782, Code of Laws of South Carolina, 1962, as amended, are hereby further amended by striking out both of the said sections in their entirety and substituting therefor the following:

"1-781. Establishment and maximum amount.—There shall be established and maintained a fund which shall hereafter be carried in a special account in the State Treasury, and which shall be known and designated as 'The General Fund Reserve'. The maximum amount of the reserve shall be six million dollars."

"1-782. Transfer of excess revenues to maintain reserve.—On or before September 30 of each year the State Budget and Control Board shall determine the amount by which the State's revenues, applicable thereto, exceeded the sum of (a) actual expenditures for normal maintenance and operation of the State government for the fiscal year immediately preceding, including expenditures to political subdivisions of the State based on established percentages of revenues, but not including expenditures for highway purposes, and (b) unexpended balances of continuing appropriations made during the fiscal year immediately preceding. From such excess revenues so determined, if any, there shall be transferred to the general fund reserve an amount sufficient to bring it to the sum of six million dollars, but not in excess thereof."

End of Part II

All Acts or parts of Acts inconsistent with any of the provisions of Part I of this Act are hereby suspended for the fiscal year 1966-67. All Acts or parts of Acts inconsistent with any of the provisions of Part II of this Act are hereby repealed.

Except as otherwise specifically provided herein, this act shall take effect immediately upon its approval by the Governor.

Approved the 9th day of May, 1966

(R1169, H2336)

No. 995

An Act To Amend Chapter 7, Title 46, Code Of Laws Of South Carolina, 1962, By Adding A New Section Which Shall Be Section 46-544.1, Relating To Audible And Visual Signals On Authorized Emergency Vehicles.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 46-544.1 added—emergency vehicles to have audible signals and red lights—police cars to have blue lights—school busses.—Chapter 7, Title 46, Code of Laws of South Carolina, 1962, is amended by adding Section 46-544.1 as follows:

“Section 46-544.1. (a) Every authorized emergency vehicle shall, in addition to any other equipment and distinctive markings required by this Chapter, be equipped with a siren, exhaust whistle or bell capable of giving an audible signal.

(b) Every authorized emergency vehicle shall, in addition to any other equipment and distinctive markings required by this Chapter, be equipped with signal lamps mounted as high and as widely spaced laterally as practicable, which shall be capable of displaying to the front two alternately flashing red lights located at the same level and to the rear two alternately flashing red lights located at the same level, and these lights shall have sufficient intensity to be visible at five hundred feet in normal sunlight.

(c) A police vehicle when used as an authorized emergency vehicle may but need not be equipped with alternately flashing red lights as specified herein. Also, such vehicle may in lieu of the alternately flashing red lights be equipped with a special dome-mounted oscillating, rotating, or flashing red or blue light visible from a distance of five hundred feet to the front in normal sunlight; and it shall be unlawful for any person to use such dome-mounted flashing, oscillating or rotating blue light on any emergency vehicle except one used primarily for law enforcement purposes.

Provided, however, that after January 1, 1967, all police vehicles when used as an authorized emergency vehicle shall then be equipped

with dome-mounted, oscillating, rotating or flashing blue lights visible from a distance of five hundred feet.

(d) The alternately flashing lighting described in subsection (b) of this section shall not be used on any vehicle other than an authorized emergency vehicle. *Provided*, that a school bus may use the alternately flashing red lighting described in subsection (b), or red flashing lights in the rear and amber flashing lights in the front.

(e) The use of the signal equipment described herein shall impose upon drivers of other vehicles the obligation to yield right of way and stop as prescribed in Sections 46-425 and 46-477."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 11th day of May, 1966.

(R1171, H2026)

No. 996

An Act To Regulate The Refusal By An Insurance Company To Renew, Or Honor An Accepted Application For, A Policy Of Private Passenger Automobile Liability Insurance; And Also To Regulate The Cancellation By The Insurer Of Such Policies Which Have Been In Force Less Than Sixty Days.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Insurance companies to give reasons for cancelling or not renewing automobile liability policies upon request of insured.—When an insurance company refuses to renew a policy of private passenger automobile liability insurance or refuses to issue such a policy after application therefor has been accepted by the company or its duly authorized agent by either temporarily or permanently binding coverage thereon or receiving a premium therefor, and when an insurance company cancels such a policy within sixty days of its effective date, the home office of the company shall, at the written request of the named insured or applicant made within fifteen days of receipt of written notice thereof, specify in writing to such insured or applicant the specific facts which caused the refusal to renew, refusal to issue or cancellation. Upon written application made by such insured or applicant, the Department of Insurance shall review the facts submitted by either the insurance company or

by the complaining party, or by both, and shall make a determination as to whether they constitute a valid and generally accepted insurance underwriting basis for the company's actions and to advise the parties in writing. If no such basis is found, then such refusal to renew, refusal to issue or cancellation shall in no way affect the issuance of or rate charged for an automobile liability insurance policy subsequently applied for with any company by the insured or applicant concerned, and the failure to disclose such refusal or cancellation on a subsequent application shall be an immaterial misrepresentation and need not be noted therein. The South Carolina Department of Insurance shall by regulation establish procedures for implementation of this act and for advising the insured or applicant of his rights and privileges hereunder. *Provided*, that as between the company or its agent and the named insured or any other person who customarily operates an automobile insured or to be insured under any such policy the facts specified for refusal to renew, refusal to issue or cancellation shall constitute a privilege communication and in an action for libel arising therefrom the defendant shall be entitled to assert the defense of qualified privilege as defined and limited by the common law of this State.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 11th day of May, 1966.

(R1176, H2585)

No. 997

An Act To Amend Section 14-1169, Code Of Laws Of South Carolina, 1962, As Amended, Relating To The Charleston County Board Of Assessors So As To Change The Title To The Board Of Assessment Control.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 14-1169 amended—board of assessment control—tax levy for.—Section 14-1169 of the 1962 Code, as amended by an Act of 1966 bearing Ratification No. 768, is further amended on line two by striking the word "assessors" and inserting "assessment control", on line two between "seq." and "shall" by inserting ", as amended,", on line three by striking the word "assessors" and in-

serting "assessment control", on line four between the words "office" and "shall" by inserting ", including the board of assessment appeals," on line five by striking "the board of assessors" and inserting "such boards", and on line seven by striking the word "it" between the words "by" and "in" and inserting "the Charleston County Board of Assessors", so that when amended the last paragraph of Section 14-1169 shall read as follows:

"Beginning July 1, 1966, the office and functions of the board of assessment control established under Section 65-3405 *et seq.*, as amended, shall be under the exclusive jurisdiction of the board of assessment control and funds for the operation of the office, including the board of assessment appeals, shall be provided by an annual tax levied pursuant to law; and such boards shall be permitted to continue to utilize without charge the facilities, including utilities, now used by the Charleston County Board of Assessors in the county center until otherwise provided by the legislature."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 10th day of May, 1966.

(R1178, H2481)

No. 998

An Act To Create A Committee To Control The Disposition Of Tax Executions Returned Nulla Bona In Richland County; To Require The Tax Collector To Deliver Certain Tax Executions To The Committee; To Amend Section 65-2797, Code Of Laws Of South Carolina, 1962, Providing For The Annual Examination Of Tax Executions By The Grand Jury, So As To Exclude Richland County From The Provisions Thereof And To Amend Sections 65-2041 And 65-2042 Of The 1962 Code, Relating To The Quarterly Payment Of Delinquent Taxes In Richland And Spartanburg Counties, So As To Delete Richland County From The Provisions Thereof.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Tax Execution Committee of Richland County created.—There is hereby created the Tax Execution Committee of Richland County, which shall be composed of one member of the

Richland County Board of Administrators, who shall serve as chairman, and four persons appointed by the Board of Administrators. The four appointed members shall receive such compensation as may be provided in the annual Richland County appropriations act. The chairmanship shall rotate among the members of the board in such manner as may be designated by the board. The four appointed members of the committee shall be appointed for terms of two years each, with the initial terms commencing July 1, 1966. The committee shall examine all tax executions returned as being uncollectible and shall be the only authority to order tax executions to be marked "nulla bona". The committee shall perform such other duties relating to tax executions as may be prescribed by the Board of Administrators, and shall conduct its business in accordance with rules and regulations issued by the Board of Administrators. The committee shall have no power to alter the statutory lien upon real estate for the payment of property taxes assessed thereon.

SECTION 2. Delivery of uncollectible tax executions.—The tax collector for Richland County shall deliver all tax executions to the tax execution committee of the county after making an initial determination that such executions are uncollectible.

SECTION 3. Section 65-2797 amended—grand jury to investigate executions except in Richland County.—Section 65-2797 of the 1962 Code is amended so as to exclude Richland County from the provisions thereof by adding at the end of the section the following proviso: "*Provided*, the provisions of this section shall not be applicable to Richland County." The section when amended shall read as follows:

"Section 65-2797. The several county treasurers shall, at the last term of the circuit court in each year for their respective counties, deliver to the foreman of the grand jury a complete list of all tax executions delivered to the sheriff for collection which have not been collected and the grand jury shall examine the list and present the sheriff for any default or neglect in the performance of his duties relative to the enforcement of such executions. *Provided*, the provisions of this section shall not be applicable to Richland County."

SECTION 4. Section 65-2041 amended—Spartanburg County—payment of delinquent taxes.—Section 65-2041 of the 1962 Code is amended so as to delete Richland County from the provisions thereof by striking on line two the words "Richland and Spartanburg

Counties” and inserting in lieu thereof the words “Spartanburg County”. The section when amended shall read as follows:

“Section 65-2041. The officers charged by law with the collection of delinquent taxes in Spartanburg County shall determine on or before July first of each year the total amount of delinquent taxes and penalties against any property or taxpayer and divide such amount into eight equal parts. The owner of any such property or the taxpayer may without further charges or penalties pay such delinquent taxes in eight equal successive quarterly installments, the first to become due and payable July first of each year in which taxes are so divided.”

SECTION 5. Section 65-2042 amended—Spartanburg County—when article may be declared inoperative.—Section 65-2042 of the 1962 Code is amended so as to delete Richland County from the provisions thereof by striking on line two the words “Richland or”; by striking on line four the words “either of said counties” and inserting in lieu thereof the words “the county”; and by striking on line seven the words “such county” and inserting in lieu thereof the words “the county”. The section when amended shall read as follows:

“Section 65-2042. In the case of any personal property tax, should it appear to the satisfaction of the tax collector of Spartanburg County or other officer charged by law with the collection of delinquent taxes in the county that the extension authorized in this article might reasonably bring about a loss to the county of taxes due on any such personal property for any cause whatever, he may declare that this article shall be inoperative in such case in the county and proceed with the collection of such taxes and, if need be, enforce them under the power of the execution in his hands against it.”

SECTION 6. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 10th day of May, 1966.

(R1180, H2563)

No. 999

An Act To Amend Article 5, Chapter 25 Of Title 65, Code Of Laws Of South Carolina, 1962, As Amended, Relating To The Charleston County Board Of Assessors, So As To Abolish Such Board And Establish An Assessment And Equalization System For Taxation Of Property In Charleston County; To Create A Board Of Assessment Control And A Board Of Assessment Appeals And Provide For Their Membership, Powers And Duties; And To Provide For A Method Of Tax Appeals.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Article 5 Chapter 25 of Title 65 amended—assessment and equalization system for taxation of property in Charleston County.—Article 5, Chapter 25 of Title 65, Code of Laws of South Carolina, 1962, as amended, is further amended so as to abolish the board of Assessors in Charleston County and in lieu thereof create a Board of Assessment Control and a Board of Assessment Appeals and establish an Assessment and Equalization System for assessing property in the county. The article when amended shall read as follows :

“ARTICLE 5

Assessment and Equalization System in Charleston County.

Section 65-3405. There is hereby created the Charleston County Board of Assessment Control to be composed of five members to be appointed by the Governor upon the recommendation of a majority of the Charleston County House Delegation with the concurrence of at least one-half of the Charleston County Senators. The terms of the members of the Board of Assessment Control shall be for three years or until their successors are appointed and qualify; and the initial terms of one member shall be for one year, of two members shall be for two years, and of two members for three years. The members of the board may succeed themselves. The board shall elect a chairman and a secretary. The board shall establish methods and policies and make and promulgate rules and regulations for the fair and equitable assessment of all taxable property within Charleston County. It shall authorize the employment of such clerical or other personnel as may, in the judgment of the board, be found necessary for the proper and efficient administration of the provisions of this article; and in this connection is fully empowered to enter into a contract of employment

with a tax assessor provided the term thereof shall not exceed five years. The board shall direct all residents of Charleston County who are required by law to make returns of personal property and to make information returns of real estate and improvements thereon when such returns are deemed necessary by the Board of Assessment Control. The board members shall be paid fifty dollars per month, except the chairman who shall receive seventy-five dollars per month.

Section 65-3405.1. There is hereby created the Charleston County Board of Assessment Appeals. The powers and duties as performed by the Charleston County Board of Assessors acting as Board of Appeals are hereby devolved upon such Board of Appeals. The Board of Assessment Appeals shall consist of five members to be appointed as follows: one member shall be a resident of that area of the county outside the City of Charleston lying east of the Cooper River; one shall be a resident of that area of the county outside the City of Charleston lying north of the city between the Ashley and Cooper Rivers; one member shall be a resident of the City of Charleston; one member shall be a resident of that area outside the City of Charleston lying west of the Ashley River and one member shall be appointed at large. The membership of the board shall be appointed by a majority of the Charleston County House Delegation, with the concurrence of at least one-half of the Charleston County Senators. One of the five members of the board shall be a person actively engaged in the real estate business. Another of the members appointed shall be a person actively engaged in the Savings and Loan Business. The board shall elect a chairman and a secretary. The terms of the members of the Board of Assessment Appeals shall be for three years or until their successors are appointed and qualify, except that the terms of two of the initial appointees shall be for three years; two shall be for two years; and one shall be for one year.

The board shall meet whenever necessary but shall meet the first Tuesday in each month to act on appeals from the assessments of the tax assessor. The Board of Assessment Appeals shall not make a final determination of any assessment until the tax assessor has been given an opportunity to present his justification for the assessment. The board members, except the chairman, shall be paid on a per diem basis of fifteen dollars per day provided no member shall receive more than five hundred dollars in any fiscal year; and the chairman shall receive in lieu of any per diem a salary of sixty dollars per month.

Section 65-3405.2. There shall be a Tax Assessor for Charleston County who shall be appointed by the Charleston County Board of Assessment Control. The tax assessor shall receive such compensation as the Charleston County Board of Assessment Control shall determine. The tax assessor shall select such other personnel to assist him in his duties as shall be authorized by the Charleston County Board of Assessment Control.

Section 65-3405.3. All powers, duties and privileges of the Charleston County Board of Assessors and the Boards of Township Assessors, so far as they relate to the assessment and valuation of property, shall be devolved upon the tax assessor, subject, however, to policies as determined by the Board of Assessment Control for Charleston County.

The tax assessor shall be held responsible for the acts of his office and have authority to act in the following, subject to the direction of the Board of Assessment Control, and shall:

(1) Carefully consider the returns and lists laid before the tax assessor by the county auditor and, if necessary, compare them with the tax returns and lists of the current and previous years and maintain a continuous record of property transfers;

(2) Diligently seek for and discover all property, both real and personal, not previously returned by the owners or agents thereof or not listed for taxation by the county auditor and list it for taxation in the name of the owner or person to whom it is taxable;

(3) Fairly and impartially assess the value of all property, both real and personal, and enter it upon the returns and lists furnished the tax assessor;

(4) Make such changes, by way of increase or decrease, in the valuation of any taxable property as returned by any person or as fixed by the county auditor as may in the tax assessor's judgment be necessary or proper to conform with the methods, policies, rules and regulations of the Board of Assessment Control;

(5) From time to time, reassess any or all taxable property so as to reflect its proper valuation in the light of changed conditions;

(6) Determine all assessments and reassessments in such a manner that the ratio of assessed value to fair market value shall be uniform throughout the county.

Section 65-3405.4. The Board of Assessment Control shall order the tax assessor to reassess all properties in Charleston County or any portion thereof as is deemed necessary.

Section 65-3405.5. The records of the tax assessor's office shall be available to the Board of Assessment Control and the Board of Assessment Appeals and they may request the presence of the tax assessor at any of their meetings.

Section 65-3405.6. Upon completion of the initial equalization and reassessment program in Charleston County, or in any portion thereof, the total assessed value of all the reassessed property in the county (or in any portion until the entire county is reassessed) shall not exceed the total assessed value of those properties reassessed in the county (or any such portion thereof) immediately prior to such completion by more than one per cent. This shall not prohibit the increase in total assessed value of the reassessed property as a result of the assessments added for property or improvements not heretofore taxed, for new construction, or for renovations of existing structures taking place during the reassessment period.

Section 65-3405.7. Minutes shall be taken of all meetings of the Board of Assessment Control and the Board of Assessment Appeals. The minutes shall be a matter of public record with a copy of the minutes duly certified by the secretary to be sent to the tax assessor. A copy of the minutes of the Board of Assessment Appeals duly certified by the secretary will be sent to the county auditor.

Section 65-3405.8. The right is reserved to any property owner, taxpayer or his agent to appeal from the decision of the Charleston County Board of Assessment Appeals to the South Carolina Tax Commission for such relief as may be available to him under the general law.

Section 65-3405.9. Funds sufficient to carry out the purposes of this article shall be provided by an annual tax levy pursuant to law.

Section 65-3405.10. The Board of Assessment Control is authorized to undertake such a reassessment program in Charleston County as it deems necessary and in the manner which appears most appropriate to the Board of Assessment Control."

SECTION 2. Time effective.—This act shall take effect July 1, 1966.

Approved the 10th day of May, 1966.

(R1181, H2569)

No. 1000**An Act To Create The Union County-City Carnegie Public Library And To Provide For Its Operation.**

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Union County—City Carnegie Public Library created.—There is hereby created an eleemosynary corporation under the name of the Union County-City Carnegie Public Library which shall have all the powers conferred upon such a corporation by the laws of the State.

SECTION 2. To be governed by board.—The corporation shall be governed and managed by a board of trustees consisting of seven members who shall be appointed by the Governor as follows: four shall be appointed upon the recommendation of the Union County Legislative Delegation and three shall be appointed upon the recommendation of the City Council of the City of Union. The terms of office of the trustees shall be four years, except that of those first appointed three shall be appointed for four years, two shall be appointed for three years and two shall be appointed for two years. Thereafter, all terms of office shall be for four years. The length of the initial terms shall be determined at the first meeting of the board after appointment and shall be determined by lot.

As soon as practicable after appointment, the board shall meet and shall organize itself by electing from among its members a chairman, vice-chairman and secretary-treasurer for terms of two years. After the first meeting following appointment, the board shall meet upon the call of the chairman or a majority of the members. In the event of a vacancy before the expiration of a term, the successor shall be appointed in the same manner as provided for the original appointment for the unexpired portion of the term.

The treasurer shall be bonded in the amount of five thousand dollars.

SECTION 3. Powers.—The Union County-City Carnegie Public Library may, by way of amplification and classification, but without limiting the generality of the powers conferred on it by Section 1 of this act:

- (1) Purchase, lease, hold and dispose of real estate;
- (2) Acquire by lease or rental the books, equipment and facilities of any existing library in Union County;

(3) Equip, maintain and operate the library, and establish such branches, units and book trucks as may be considered necessary;

(4) Enter into contracts with persons and public agencies;

(5) Accept donations of land, service, materials, books and other things for the establishment and equipping of the library;

(6) Enter into agreement for the suitable designation and marking of equipment, rooms, buildings and other library facilities to commemorate the memory of individuals; and

(7) Generally to do all things necessary and proper to establish, equip, maintain and operate a library.

SECTION 4. Duties.—The board of trustees shall provide and make available to the citizens of Union County and the City of Union good books and literature. To that end the board may, in the name of the corporation, establish branches and units as necessary and operate one or more book trucks over routes to be determined by the board; acquire books and periodicals, facilities and equipment; employ librarians, clerical assistants and other employees; and make such rules and regulations, not inconsistent with law, as it may deem necessary to insure the effective and efficient maintenance and operation of the library.

SECTION 5. Powers and duties further.—The Union County-City Carnegie Public Library board, with the approval of the Union County Legislative Delegation and the City Council of the City of Union, may enter into contracts and agreements with other county library boards and with the South Carolina State Library Board, and fully cooperate therewith in encouraging and promoting the establishment and use of libraries, the procurement of funds therefor, and the efficient use of such funds in establishing and improving public library service.

The library board may participate in Federal or any other funds available for distribution for the improvement of library service.

SECTION 6. Tax levy.—For the support and maintenance of the library, the levy of one mill upon the taxable property of the City of Union for the support of the city library will continue in force, and the proceeds shall be combined with a county levy upon all the taxable property in the county not to exceed one and one-half mills. As the proceeds of the city levy and county levy are received, they shall be turned over to the treasurer of the Union County-City Carnegie Public Library and shall be deposited in a bank in

the City of Union in the name of the library and shall be withdrawn only on vouchers and checks signed by the chairman of the board and the treasurer.

SECTION 7. Financial statement.—The board of trustees shall file annually with the county legislative delegation and the city council a certified financial statement, showing in detail receipts and disbursements for the year and current assets and liabilities.

SECTION 8. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 10th day of May, 1966.

(R1182, H2541)

No. 1001

An Act To Authorize The Advisory Board Of The Juvenile And Domestic Relations Court Of Greenville County To Recommend For Appointment By The Governor An Additional Judge Of The Court; To Provide For The Duties And Powers Of The Additional Judge And His Term Of Office.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Additional judge for Juvenile and Domestic Relations Court of Greenville County.—A Judge of the Juvenile and Domestic Relations Court of Greenville County, in addition to the judge provided for by Section 15-1281.2 of the 1962 Code, may be recommended by a majority of the Advisory Board of the Court to the Governor for appointment. The additional judge shall have the same powers and duties as those provided by law for the other judge and meet the same qualifications. He shall be coequal with the other judge in all respects, and shall receive the same compensation as the other judge. The additional judge shall be appointed for a four year term.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 10th day of May, 1966.

(R1185, H2567)

No. 1002

An Act To Amend The Code Of Laws Of South Carolina, 1962, By Adding Section 15-1115.1, So As To Provide For The Appointment Of A Temporary Judge For The Domestic Relations Court Of The County Of Charleston.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 15-1115.1 added—temporary judge for Domestic Relations Court of Charleston.—The Code of Laws of South Carolina, 1962, is amended by adding Section 15-1115.1, to read as follows:

“Section 15-1115.1. In the case of the temporary absence of the Judge of the Domestic Relations Court of the County of Charleston due to illness, vacation, or otherwise, the Resident Judge of the Ninth Judicial Circuit may appoint an attorney of the Charleston County Bar, meeting the requirements and qualifications required for the judge, to serve during such absence. He shall have all the power and duties imposed by this chapter on the judge of the court, and he shall receive compensation on a per diem basis at the rate of pay provided for the regular judge.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 10th day of May, 1966.

(R1186, H2568)

No. 1003

An Act To Amend Sections 15-1681.17, 15-1681.18 And 15-1681.20, Code Of Laws Of South Carolina, 1962, Relating To Jury Lists And Boxes For And Jury Service In The Civil And Criminal Court Of Union, So As To Provide That The Jury List And Box Used For That Court Shall Be The Same As The List And Box Used For The Circuit Court Of Union County And To Provide That Service As A Juror In Either Court Shall Exempt Such Juror From Further Service During The Same Year In Either Court.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 15-1681.17 amended—jury list for Civil and Criminal Court of Union.—Section 15-1681.17 of the 1962 Code is amended so as to provide that the jury list for the Civil and Criminal Court of Union shall be the same as the list for the Circuit Court of Union County by striking the section in its entirety and inserting in lieu thereof the following:

“Section 15-1681.17. The jury list for the Civil and Criminal Court of Union County shall be the same list as that used for the Circuit Court of Union County.”

SECTION 2. Section 15-1681.18 amended—jury box.—Section 15-1681.18 of the 1962 Code is amended so as to provide that the jury box for the Civil and Criminal Court of Union shall be the same as the jury box used for the Circuit Court of Union County by striking the section in its entirety and inserting in lieu thereof the following:

“Section 15-1681.18. The jury box for the Civil and Criminal Court of Union shall be the same as the jury box for the Circuit Court of Union County.”

SECTION 3. Section 15-1681.20 amended—jurors, attendance of—to serve only once a year.—Section 15-1681.20 of the 1962 Code is amended so as to provide that service as a juror in either the Circuit Court of Union County or the Civil and Criminal Court of Union shall exempt such juror from further service during the same year in either court by striking the sentence beginning on line three and inserting the following: “Service as a juror in the court shall exempt a juror from service as such in the circuit court in the same year, and service as a juror in the circuit court shall exempt a juror from service as such in the court in the same year.” The section when amended shall read as follows:

“Section 15-1681.20. Jurors drawn and summoned shall appear and attend upon the sessions of the court for which they are summoned until discharged by the judge thereof. Service as a juror in the court shall exempt a juror from service as such in the circuit court in the same year, and service as a juror in the circuit court shall exempt a juror from service as such in the court in the same year. A juror shall not be required to serve in such court for a full week more than once in the same year except that when the business of the court is not completed during the week for which jurors are drawn such jurors may be held for service at a later term.”

SECTION 4. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 10th day of May, 1966.

(R1187, H2587)

No. 1004

An Act To Create The Orangeburg County Tax Equalization Board; To Create The Office Of Tax Assessor For Orangeburg County And To Provide For His Term Of Office, Salary, And Powers And Duties; To Establish An Assessment And Equalization System; To Repeal Section 65-1832, Code Of Laws Of South Carolina, 1962, Providing For School District Boards Of Assessors In Orangeburg County; And To Repeal Section 65-1886, Code Of Laws Of South Carolina, 1962, Providing For A Board Of Equalization In Orangeburg County.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Orangeburg County Tax Equalization Board—created.—There is hereby created the Orangeburg County Tax Equalization Board. The members shall be commissioned by the Governor upon the recommendation of a majority of the legislative delegation for terms of three years or until their successors have been appointed and qualify. One member shall come from each of the school districts in the county. The board shall elect such officers and adopt such rules and methods of procedure as it deems necessary for carrying out its functions.

Before entering upon the discharge of their duties, the members of the board shall qualify by taking the oath of office provided for other county officers. The members shall serve without compensation but shall be paid the per diem and mileage provided by law for boards, commissions and committees.

The board shall review any actions or acts of the tax assessor when so requested in writing by a taxpayer and shall have the authority to confirm or modify any decision of the tax assessor. For their proper determination the records of the tax assessor's office shall be made available and the board may request the presence of the tax assessor at any of its meetings.

The minutes of all meetings of the board shall be a matter of public record with a copy duly certified by the secretary being forwarded to the tax assessor.

SECTION 2. Appeals.—Appeals may be taken by any property owner from the board to the South Carolina Tax Commission for such further relief as may be available to him under the general laws of South Carolina.

SECTION 3. Office of tax assessor created.—There is hereby created the office of Tax Assessor for Orangeburg County. He shall be commissioned by the Governor for a four-year term, commencing July 1, 1966, upon the recommendation of a majority of the legislative delegation. His salary shall be as provided in the annual county appropriations act, and he shall devote his full time to the duties of this office. Vacancies shall be filled as the original appointment for the unexpired term.

SECTION 4. Duties.—The tax assessor shall:

(1) Consider the returns and lists laid before him by the county auditor and, if necessary, compare them with the tax return and lists of the previous years;

(2) Seek for and discover all real property in Orangeburg County not previously returned by the owners or agents thereof or not listed for taxation by the county auditor, and list it for taxation in the name of the owner or person to whom it is taxable;

(3) Make a preliminary assessment of the value of all real property in the county and enter it upon the returns and lists furnished him by the county auditor for his consideration;

(4) From time to time reassess taxable property in the county so as to reflect its proper valuation in the light of changed conditions and to equalize insofar as is possible all properties within the county; and

(5) With the consent and approval of a majority of the legislative delegation, engage such personnel to assist him in his duties as he deems necessary, whose compensation shall be as provided in the annual county appropriations act.

SECTION 5. Assessments subject to review.—All assessments and reassessments made by the tax assessor shall be subject to review and revision by the Orangeburg County Tax Equalization Board.

SECTION 6. Powers and duties of school district boards of assessors devolved upon tax assessor.—All powers, duties and privileges of the school district Boards of Assessors of Orangeburg County, as they relate to the assessment and valuation of property, are hereby devolved upon the tax assessor, subject, however, to the duties and responsibilities of the county auditor as provided by law.

SECTION 7. Sections 65-1832 and 65-1886 repealed.—Sections 65-1832 and 65-1886, Code of Laws of South Carolina, 1962, are hereby repealed.

SECTION 8. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 10th day of May, 1966.

(R1188, H2584)

No. 1005

An Act To Annex School District No. 5 In Toto To School District No. 1, Both In Richland County; To Transfer The Assets, Liabilities And Contracts Thereof To School District No. 1; To Provide For A Resident Of School District No. 5 To Serve An Interim Term As A Member Of The School Board Of District No. 1; To Amend Section 21-3914, Code Of Laws Of South Carolina, 1962, Relating To Elected Members Of School District No. 1 Board, So As To Increase That Number To Five; To Amend Section 21-3916, Code Of Laws Of South Carolina, 1962, Relating To School District No. 1, So As To Delete A Reference To A Member Selected By The Mayor Of Columbia; To Amend Section 21-3882, Code Of Laws Of South Carolina, 1962, Relating To Appointment And Terms Of Members Of Certain School Districts In Richland County, So As To Delete Obsolete References And References To School District No. 5; To Provide For A Smaller School Board For School District No. 5; To Provide For The Eventual Abolishment Of The Governing Body Of School District No. 5; And To Repeal Section 21-3915, Code Of Laws Of South Carolina, 1962, Relating To A Member Of City Council Serving On The School Board Of District No. 1.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. School District 5 of Richland County annexed to District 1.—All that area now comprising School District No. 5 in Richland County is hereby annexed to and made a part of School District No. 1 in Richland County.

SECTION 2. Transfer of assets.—All of the assets, liabilities and contracts of School District No. 5 are hereby declared to be assets, liabilities and contracts of School District No. 1.

SECTION 3. Resident of District 5 to be appointed to District 1 school board.—The chairman of the school board of School District No. 1 in Richland County and the members of school board of School District No. 5 in the county, as constituted at the time, shall appoint a qualified elector from the area comprising School District No. 5 to serve as a member of the board of School District No. 1 from July 1, 1967, until December 31, 1968, and until his successor is elected and qualifies. Such appointment shall be made between April 1 and June 30, 1967. The member so appointed shall be certified by the appointing authority to the Secretary of State who shall issue a commission to such member. The successor to such member shall be elected in the 1968 general election and each four years thereafter.

SECTION 4. Section 21-3914 amended—election and terms of school commissioners.—Section 21-3914 of the 1962 Code is amended so as to increase the number of elected members of the School District No. 1 Board of Commissioners of Richland County from four to five by striking the section in its entirety and inserting in lieu thereof the following:

“Section 21-3914. Two school commissioners shall be elected in the general election of 1966 and each four years thereafter, and three school commissioners shall be elected in the general election of 1968 and each four years thereafter, by the legal voters of the district. The terms of office of the commissioners shall be for periods of four years and until their successors are elected and qualify.”

SECTION 5. Section 21-3916 amended—additional members of board—officers and personnel.—Section 21-3916 of the 1962 Code is amended by deleting the reference to the selection of a school commissioner of School District No. 1 in Richland County by the mayor of the City of Columbia by striking on lines one and two “and the school commissioner named as provided for in Section 21-3915”. When so amended, the section shall read as follows:

“Section 21-3916. The school commissioners elected as provided for in Section 21-3914, together with two school commissioners to be appointed January first in each odd-numbered year by the Governor, upon recommendation of the board of trustees of Columbia Academy, for terms of four years from said date, being seven in all, shall constitute a school board and they may assemble at any time and elect a chairman, a secretary, a superintendent of schools and such other school employees as they may deem proper whose terms of office, duties and compensation shall be prescribed by the board.”

SECTION 6. Governing body of District 5 to continue.—The governing body of School District No. 5 in Richland County for the period from December 31, 1966, through June 30, 1967, shall consist of four members, who shall be those current members whose terms expire in 1968 and 1970.

SECTION 7. Section 21-3882 amended—terms of trustees.—Section 21-3882 of the 1962 Code, relating to appointment and terms of members of certain school districts in Richland County, is amended so as to delete all references to School District No. 5 and to initial terms of certain members by striking the section in its entirety and inserting in lieu thereof the following:

“Section 21-3882. The terms of office of the elected members of the various boards of trustees shall begin on the first day of January and shall expire on the last day of December.”

SECTION 8. Governing body of District 5 abolished.—The governing body of School District No. 5 is hereby abolished.

SECTION 9. Section 21-3915 repealed.—Section 21-3915 of the 1962 Code, relating to a member of city council serving as a school commissioner of School District No. 1 in Richland County, is repealed.

SECTION 10. Time effective.—Section 3 of this act shall take effect April 1, 1967; Section 6 of this act shall take effect December 31, 1966; and all other sections of this act shall take effect July 1, 1967.

Approved the 10th day of May, 1966.

(R1189, H2597)

No. 1006

An Act To Amend Act 273 Of 1963, Relating To The Licensing Agent Of Certain Mobile Dwellings In Richland County, So As To Permit The Board Of Administrators To Determine Whether Such Agent Shall Receive One-Half Of The License Fee As Additional Compensation.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 1 of Act 273 of 1963 amended—approval of agent—additional compensation.—Section 1 of Act 273 of 1963 is amended by striking the period at the end thereof and adding “if approved in a resolution by the board of administrators. Such additional compensation shall cease when the board rescinds its resolution.” The section when amended shall read as follows:

“Section 1. In Richland County the designation of the agent provided for in Section 1 of Act No. 881 of 1962 shall be subject to the approval of the legislative delegation, including the Senator. Such agent shall receive one-half of the license fee provided for in such act as additional compensation if approved in a resolution by the board of administrators. Such additional compensation shall cease when the board rescinds its resolution.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 10th day of May, 1966.

(R1190, H2625)

No. 1007

An Act To Amend Section 33-1926, Code Of Laws Of South Carolina, 1962, Relating To The Payment Of Highway Bonds From Gasoline Tax Revenues In York County, So As To Provide For The Appropriation Of Ninety Thousand Dollars Of The Revenue For County Road Maintenance, And To Provide For Payment Of Principal And Interest From Surplus In The Event Of Insufficient Revenue.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 33-1926 amended—York County—payment of highway bonds from gasoline tax revenues.—Section 33-

1926 of the 1962 Code is amended by striking on line four “, so far as possible,”; by changing the period at the end of the first sentence to a comma and inserting “except that the first ninety thousand dollars received from such source is to be appropriated annually to ordinary county purposes for county road maintenance.”; by inserting on line eleven between the words “funds” and “as” the words “except the first ninety thousand dollars thereof,”; and by adding at the end of the section the following: “In the event the aforementioned sums, excluding the first ninety thousand dollars thereof, are insufficient to pay fully the principal and interest, the custodian thereof shall pay the excess due on the principal and interest from any surplus account accumulated for repayment of the bonds.” When so amended, the section shall read:

“Section 33-1926. Whenever general obligation bonds of York County issued to obtain funds to construct, reconstruct, improve or repair roads or bridges in York County, all or any of such purposes, shall be outstanding, the principal and interest of such bonds shall be paid from the sums which York County shall receive from time to time, or has heretofore received, from the distribution of the one-cent-per-gallon tax imposed upon the sale of gasoline, or any substitute thereof or any combination thereof, irrespective of whether or not such funds shall be pledged to the payment of such bonds, except that the first ninety thousand dollars received from such source is to be appropriated annually to ordinary county purposes for county road maintenance. The custodian of any such funds in York County shall observe the provisions of this section and apply so much of such funds, except the first ninety thousand dollars thereof, as York County shall receive, as aforesaid, as is available to the extent necessary to effect the payment of the principal and interest of all general obligation bonds of York County issued for the purposes mentioned in this section as may from time to time hereafter be outstanding. The provisions of this section shall not be deemed to effect a pledge of the revenues referred to in this section. In the event the aforementioned sums, excluding the first ninety thousand dollars thereof, are insufficient to pay fully the principal and interest, the custodian thereof shall pay the excess due on the principal and interest from any surplus account accumulated for repayment of the bonds.”

SECTION 2. Time effective.—This act shall take effect July 1, 1966.

Approved the 10th day of May, 1966.

(R1191, H2626)

No. 1008

An Act To Authorize The City Of Columbia And Richland County To Consolidate And Coordinate All Of Their Tax Assessing, Billing And Collection Procedures And To Establish The Necessary Forms And Formulate The Necessary Instructions; To Provide That In Richland County Certain Personal Property Not Be Returnable Or Assessed, That Personal Property Of Assessed Value Of Less Than Twenty Dollars Not Be Entered On Tax Duplicate; To Provide Time Taxes Payable And Penalties For Delinquent Taxes; To Repeal Act No. 1007 Of 1964, Providing For The Collection Of Property Taxes For The City Of Columbia By The Treasurer And Tax Collector Of Richland County, And Section 21-3858 Of The 1962 Code, Relating To The Keeping Of Tax Books By School Districts In Richland County.

Whereas, the General Assembly believes that a great saving will result to the taxpayers of both the City of Columbia and Richland County in the consolidating and coordinating of all of their tax assessing, billing and collection procedures; and

Whereas, the General Assembly realizes that this method is not practicable in the lesser-populated counties containing smaller cities, but that in the greater metropolitan areas of the State this type of consolidation will be directly in the interests of efficiency and economy and should be practiced wherever the situation warrants. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. City of Columbia and Richland County may consolidate tax assessing, billing and collection procedures.—In the interest of economy and efficiency, the City of Columbia and Richland County are authorized to consolidate and coordinate, insofar as practicable, all of their tax assessing, billing and collection procedures. The governing bodies of both political entities may establish such special forms and instructions and promulgate such rules and regulations as may be necessary to carry into effect the provisions of this act, any law, rule or regulation to the contrary notwithstanding.

SECTION 2. Certain personal property not to be returned.—The following items of personal property shall not be returned to the Richland County Auditor nor assessed by the Richland County

Tax Assessor: mules, horses, cattle, hogs, sheep, goats, farming implements, farming machinery, mills, gins, carriages, carts, drays, wagons, bicycles, pushcarts, handtrucks, gold and silver watches, jewelry and silver plate; *provided, however*, that this section shall not be construed to apply to property returnable by law to the South Carolina Tax Commission.

SECTION 3. Certain personal property not to be entered on tax duplicates.—When the assessed value of the personal property is less than twenty dollars, the Auditor of Richland County shall not enter the property on the tax duplicate, the provisions of Section 65-1772 of the 1962 Code to the contrary notwithstanding.

SECTION 4. When taxes to be paid—penalties for delinquent payments.—All taxes in Richland County shall be payable between the fifteenth day of September and the thirty-first day of January after their assessment in each year, the provisions of Section 65-1965 of the 1962 Code to the contrary notwithstanding, and the percentage penalty added to delinquent taxes shall be as follows: When the taxes shall not be paid on or before the thirty-first day of January, the penalty added shall be five per cent. If they are not paid on or before the fifteenth day of April, the county treasurer shall issue his tax execution for such taxes, assessments and penalties against the property of the defaulting taxpayer according to law; *provided*, that beginning with the tax year of 1967 taxes on personal property in Richland County shall be payable between the fifteenth day of May and the thirty-first day of August, and the percentage penalty added to delinquent taxes on such property shall be as follows: When such taxes shall not be paid on or before the thirty-first day of August, the penalty added shall be five per cent thereon. If they are not paid on or before the fifteenth day of November, the county treasurer shall issue his tax execution for such taxes, assessments and penalties against the property of the defaulting taxpayer according to law. The Board of Administrators of Richland County may postpone the time within which the penalties provided in this section shall attach.

SECTION 5. Act 1007 of 1964 and Section 21-3858 repealed.—Act No. 1007 of 1964 and Section 21-3858 of the 1962 Code are hereby repealed.

SECTION 6. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 10th day of May, 1966.

(R1192, H2192)

No. 1009

An Act To Amend Sections 65-659, 65-857, 65-867 And 65-1311, Code Of Laws Of South Carolina, 1962, Relating To Taxes And Taxation, So As To Provide An Exemption For Certain Goods From Certain Stamp And Business License Taxes In Lieu Of Refund Provisions; To Provide For The Confiscation Of Unstamped Beer And Wine; To Provide That Unstamped Beer And Wine In Certain Cases Is Prima Facie Evidence Of Violation Of The Tax Laws; And To Provide For A Refund Of Taxes Paid Upon Gasoline Sold To The United States Government For Certain Purposes; And To Repeal Section 65-660, Code Of Laws Of South Carolina, 1962, Relating To Refund On Articles Sold To The United States Navy And Other Vessels.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 65-659 amended—tax exemptions for certain goods sold to United States or certain ships.—Section 65-659 of the 1962 Code is amended by striking it out and inserting:

“Section 65-659. Beer, wine, soft drinks or any goods, wares and merchandise subject to tax under the provisions of this chapter shall be exempt from such tax when sold to the United States Government or United States Government instrumentality for Army, Navy, Marine or Air Force purposes and delivered to a place lawfully ceded to the United States, or delivered to a ship belonging to the United States Navy for distribution and sale to members of the military establishment only, or when sold and delivered to ships regularly engaged in foreign or coastwise shipping between points in this State and points outside the State. Any goods, the sale of which is exempt by this section, may be stored and delivered without payment of the tax imposed by this chapter if stored and delivered in accordance with regulations to be promulgated by the South Carolina Tax Commission.”

SECTION 2. Item (1) of Section 65-857 amended—certain unstamped goods subject to confiscation.—Item (1) of Section 65-857 of the 1962 Code is amended by adding at the beginning thereof “Beer, wine,”. The item when amended shall read as follows:

“(1) Beer, wine, cigarettes, snuff, smoking tobacco, chewing tobacco, cigars, stogies, cheroots, cartridges, shells, and playing cards, found at any point within the State, which shall have been within

the State for a period of twenty-four hours or longer in possession of any retailer or for a period of seventy-two hours or longer in possession of any wholesaler or jobber, not having affixed to the package the stamps as required, or of any person importing, receiving or acquiring such articles for use or consumption within the State, not having affixed to the package the stamps as required; or”.

SECTION 3. Section 65-867 amended—possession of unstamped goods evidence of violation.—Section 65-867 of the 1962 Code is amended by adding after the word “any” on line one “beer, wine,”. The section when amended shall read as follows:

“Section 65-867. The location of any beer, wine, cigars, cheroots, stogies, cigarettes, snuff, smoking tobacco, chewing tobacco, playing cards, ammunition, syrup or bottled soft drinks in the place of business of any person required by the provisions of this chapter to stamp them or place soft drink crowns thereon shall be prima facie evidence that they are intended for sale.”

SECTION 4. Section 65-1131 amended—refund of taxes on gasoline sold to United States.—Section 65-1131 of the 1962 Code is amended by striking it out and inserting:

“Section 65-1131. Notwithstanding any other provision of law, the tax paid upon gasoline sold to the United States Government for Army, Navy, Marine or Air Force purposes and which shall be shipped from a point within this State to a place which has been lawfully ceded to the United States Government or to a water going vessel owned by the United States for Army, Navy, Marine or Air Force purposes, shall be refunded to the seller upon proof that such gasoline has been so sold and shipped, and proof of such sale and refund may be made in like manner as in case of sales of gasoline to merchants outside the State.”

SECTION 5. Section 65-660 repealed.—Section 65-660 of the 1962 Code is repealed.

SECTION 6. Time effective.—This act shall become effective on the first day of the calendar month following approval by the Governor.

Approved the 11th day of May, 1966.

(R1193, H2299)

No. 1010**An Act To Amend Section 32-1034.25, Code Of Laws Of South Carolina, 1962, Relating To Limitations On Grants For Local Mental Health Programs, So As To Further Provide Therefor.**

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 32-1034.25 amended—grants limited to fifty per cent of expenditures.—Section 32-1034.25, Code of Laws of South Carolina, 1962, is amended to read as follows:

“Section 32-1034.25. Except as provided by this section, grants for any program shall not exceed fifty per cent of the total expenditures for (a) salaries, (b) contract facilities and services, (c) operation, maintenance and service costs, (d) per diem and travel expenses of members of community mental health boards and (e) other expenditures specifically approved and authorized by the Commission, nor shall they exceed in any fiscal year fifty cents per capita of the area served by the program. Grants may be made for expenditures for mental health services whether provided by operation of a local facility or through contract with other public or private agencies or individual persons.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 10th day of May, 1966.

(R1196, H2323)

No. 1011**An Act To Create Ridge Spring School District No. 2 In Saluda County, To Provide For The Management Of The District And To Provide A Tax Levy.**

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Ridge Spring School District 2 created in Saluda County.—Effective April 1, 1966, and pursuant to the provisions of Section 21-112 of the 1962 Code, the General Assembly hereby creates a school district to be known as Ridge Spring School District No. 2 in Saluda County. The district shall be composed of that area of Saluda County formerly constituting Ridge Spring School District No. 2 and which was consolidated into the School

District of Aiken County pursuant to Act No. 271 of 1953, Act No. 946 of 1958 and Act No. 709 of 1960.

SECTION 2. Trustees.—The affairs of the school district shall be supervised and managed by a board of two trustees, who shall be qualified electors of the school district and the chairman on the Saluda County Board of Education, ex officio. Initially the board of trustees shall consist of the following persons, who shall hold office for terms expiring on April first of the years set opposite their respective names:

<i>Name of Trustee</i>	<i>Year of Expiration of Term</i>
Ben Padgett, ex officio	
Harry Bell	1968
Sam Wheeler	1968

Each subsequent term of office shall be filled for a term of four years by the person elected at the general election immediately preceding the commencement of such term of office. All trustees shall serve until their successors shall have been appointed and shall have qualified. In the event of a vacancy in office, successors shall be appointed for the unexpired portion of the term only by the Governor upon recommendation of the board of school trustees of Saluda County.

SECTION 3. Powers and duties.—The board of trustees shall have all powers now vested in the boards of trustees of school districts in this State by general law and such other powers as from time to time may be committed to them by the General Assembly. In addition to all other powers, the board shall be empowered to enter into contractual arrangements with the school authorities of any school district of an adjoining area on such terms and under such conditions as shall be mutually agreeable for the interchange of pupils residing within this district and pupils residing within the adjoining district. Such contract will provide that pupils residing in this district may attend schools of the adjoining district and vice versa.

SECTION 4. Tax levy.—There is hereby levied upon all taxable property within Ridge Spring School District No. 2 of Saluda County fifty-five mills for school purposes for the fiscal year 1966-1967.

SECTION 5. Act to be additional.—This act shall be deemed complementary to and not in derogation of any action taken by the

County Board of Education of Saluda County as constituted by Chapter 58, Title 21 of the 1962 Code in undertaking the creation of Ridge Spring School District No. 2 of Saluda County. If this act, or any provisions hereof, shall be held invalid, such holding will not affect or disturb any action so taken by the County Board of Education of Saluda County.

SECTION 6. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 10th day of May, 1966.

(R1197, H2384)

No. 1012

An Act To Adjust The Formula Used To Assess Merchants' Inventories And Merchants' Equipment, Furniture And Fixtures, So That The Resulting Assessment Will Be Reduced To Ten Per Cent By The Year 1970.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Formula for taxing merchants' inventories and equipment.—The fourteen per cent ratio established by the provisions of Act No. 709 of 1962 shall be reduced to thirteen per cent for the year 1967, twelve per cent for the year 1968, eleven per cent for the year 1969, and to ten per cent for the year 1970, and each year thereafter.

SECTION 2. Penalties.—In lieu of any other penalty, any person who intentionally makes a false return or returns his property to be used for the assessment of taxes as provided by this act at less than its fair cash value shall be assessed a penalty of twenty-five per cent of the amount of taxes legally due.

SECTION 3. Time effective.—This act shall take effect July 1, 1966.

Approved the 11th day of May, 1966.

(R1198, H2440)

An Act To Allow A State Chartered Savings And Loan Association To Invest Not More Than One Per Cent Of Its Assets In The Capital Stock, Obligations, Or Other Securities Of A Service Corporation And To Define A Service Corporation For The Purposes Of This Act.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Amount state-chartered savings and loan associations may invest in service corporations.—Any State chartered savings and loan association may invest not more than one per cent of its assets in the capital stock, obligations, or other securities of a service corporation. For the purposes of this act a service corporation is defined as a corporation substantially all of whose activities consist of originating, purchasing, selling and servicing loans upon real estate and participating interests therein, or clerical, bookkeeping, accounting, statistical, or similar functions performed primarily for savings and loan associations, plus such other activities as the State Board of Bank Control may approve.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 10th day of May, 1966.

(R1199, H2491)

No. 1014

An Act To Provide That All Security Personnel Employed By The State, Other Than At Correctional Institutions And At Institutions Under The Supervision Of The Department Of Mental Health, Shall Be Under The Direct Supervision Of The South Carolina Law Enforcement Division.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Security personnel of State to be under S. C. Law Enforcement Division—exceptions.—Effective July 1, 1966, all security personnel employed by the State, other than at correctional institutions and at institutions under the supervision of the Department of Mental Health, shall be under the direct supervision of the South Carolina Law Enforcement Division.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 11th day of May, 1966.

(R1200, H2526)

No. 1015

An Act To Provide That Licenses For Mobile Homes And House Trailers In York County Shall Be Valid So Long As The License Holder Remains A Resident Of The County.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Licenses for mobile homes in York County—when effective.—In York County the license fee for mobile homes and house trailers as prescribed by Act No. 881 of 1962, as amended, shall be effective so long as the holder of the license remains a resident of the county.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 10th day of May, 1966.

(R1201, H2528)

No. 1016

An Act To Provide For A Voting Precinct At Windy Hill Beach In Horry County.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Windy Hill Beach voting precinct created in Horry County.—In addition to the voting precincts provided for in Section 23-179, Code of Laws of South Carolina, 1962, there is created in Horry County the Windy Hill Beach voting precinct.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 10th day of May, 1966.

(R1202, H2566)

No. 1017

An Act Making It Unlawful To Start Fires In Forestry District 44 (Union County) Except Under Certain Conditions, And Providing Penalties For Violations.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Unlawful to start certain fires in Forestry District 44.—It shall be unlawful for any owner or lessee of land or any employee of any such owner or lessee or other person to start, or cause to be started, any fire in any woodlands, brushlands, grasslands, ditchbanks, or hedgerows or in any debris, leaves or other flammable material adjacent thereto in Forestry District 44 (Union County), except under the following conditions:

(a) Proper notification shall be given to the State Forester, or his duly authorized representative or other persons designated by the State Forester. Such notice shall contain all information required by the State Forester or his representative.

(b) Such persons shall have cleared around such area and have immediately available sufficient equipment and personnel to adequately secure such fire and prevent its spread.

(c) Such person starting such burning shall supervise carefully any such fire started and have it under control prior to leaving the area.

SECTION 2. Permission of owner required.—A lessee of any land, or any employee of any landowner or lessee of land, or other person, must receive prior authorization from the landowner to conduct such burning, in addition to complying with the other provisions of this act.

SECTION 3. Exceptions.—The provisions of this act shall not apply to fires which may be started within the corporate limits of any town or city, nor to fires started on rights of way of railroads by their duly authorized employees to remove fire hazards unless the State Forester, or his representative, after investigation shall notify such railroad that its practices are disapproved on account of the failure to exercise such safeguards against the spread of fire.

SECTION 4. Burning prohibited during emergencies.—No burning shall be carried out during any period which the Governor has declared that an emergency exists in connection with forest fires.

SECTION 5. State Forester may direct when fires not to be started.—The State Forester may direct at any time, when deemed necessary in the interest of public safety, that fire or fires covered by this act not be started.

SECTION 6. Penalties.—Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not less than ten dollars nor more than one hundred dollars or imprisoned for not less than ten days nor more than thirty days. For any second or subsequent offense, a fine of not less than twenty-five dollars nor more than five hundred dollars or imprisonment for not more than one year may be imposed, in the discretion of the court.

SECTION 7. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 10th day of May, 1966.

(R1204, H2574)

No. 1018

An Act To Provide For The Terms And Appointments Of Certain Members Of The City Of Myrtle Beach Planning Commission.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Appointment and terms of Myrtle Beach Planning Commission.—Notwithstanding the provisions of Section 47-1022, Code of Laws of South Carolina, 1962, four of the members first appointed to the City of Myrtle Beach Planning Commission shall be appointed for terms of two years, and the governing body of the county shall appoint the member on the commission to represent the county.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 10th day of May, 1966.

(R1205, H2478)

No. 1019

An Act To Make Supplemental Appropriations For The Ordinary Operating Expenses Of The State Government For The Fiscal Years 1965-66, 1966-67, For Permanent Improvements, To Further Regulate The Fiscal Operations Of The State Government For 1965-66 And 1966-67, And To Enact As Permanent Laws The Following: To Authorize The Transfer Of Title To The Woodrow Wilson Memorial Home To The Richland County Historic Preservation Commission; To Repeal Chapter 10 Of Title 44, Code Of Laws Of South Carolina 1962; And To Authorize The Issuance Of \$2,000,000.00 Of State Notes For Additional Open Circuit Broadcasting Facilities For The Educational Television Commission, And To Amend Sections 61-33, 61-34, 61-51 And 61-54, Code Of Laws Of South Carolina, 1962, As Amended, Relating To Membership And Service In The South Carolina Retirement System, So As To Advance The Date For Withdrawal Of Nonmembership Elections For Obtaining Prior Service Credit And For Membership And To Provide For The Appointment Of A Committee On State Retirement Systems; To Repeal Act No. 927 Of The Acts And Joint Resolutions Of The General Assembly, 1956, Creating A Committee To Study And Report On The Advisable Course To Be Pursued By The State In Respect To Its Educational And Public Facilities In View Of The Federal Court Decisions, And To Amend Section 61-119, Code Of Laws Of South Carolina, 1962, By Extending To June 30, 1967 The Time During Which Out-of-State Service May Be Claimed For Retirement Purposes.

Be it enacted by the General Assembly of the State of South Carolina :

PART I

SECTION 1

The following sums of money, if so much be necessary, are hereby appropriated out of the General Fund of the State to supplement appropriations heretofore made for the operation of the State Government during the fiscal year 1965-66.

SECTION 2**Legislative Department**

Item 1. The Senate:	
B-2. Mileage	\$ 1,500.00
Approved Accounts	50,000.00
Item 2. House of Representatives:	
Approved Accounts	50,000.00
Item 3. Special Services for Both Houses:	
Approved Accounts	10,000.00
Item 4. Codification of Laws and Legislative Council:	
Approved Accounts	20,000.00
Total	<hr/> \$ 131,500.00

SECTION 3**State Treasurer's Office**

Payment of State Notes:	
For Deaf and Blind School	\$ 104,265.00
For Pineland	66,100.00
For Medical College	21,188.00
Total	<hr/> \$ 191,553.00

SECTION 4**State Medical College**

For Maintenance	\$ 70,000.00
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SECTION 5**Superintendent of Education's Office**

To match Federal Funds for basic literacy education courses, below eighth grade level ...	\$ 125,000.00
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SECTION 6**Educational Finance Commission**

School bus operating expense	\$ 160,000.00
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SECTION 7**State Library Board**

State Office Rental\$ 2,684.00

SECTION 8**South Carolina Sanatorium**

Operating Expenses\$ 50,000.00

SECTION 9**Department of Corrections**

Operation of Penal Institutions\$ 50,000.00

SECTION 10**Budget and Control Board****SECTION 3. Retirement:**

Employer Contribution—Retirement System for
General Assembly\$ 33,400.00

Provided, That employer contributions to the South Carolina Retirement System, applicable to members of the General Assembly, for the first quarter of the calendar year 1966 shall be transferred to the Retirement System for members of the General Assembly.

PART II**SECTION 1**

The following sums of money, if so much be necessary, are hereby appropriated out of the General Fund of the State to supplement appropriations heretofore made for the operation of the State Government during the fiscal year 1965-66. *Provided*, however, that any unexpended balances in such appropriations on June 30, 1966, may be carried forward and expended for the same purposes in the fiscal year 1966-67.

SECTION 2**Judicial Department**

For 16th Judicial Circuit, for period November 15,
1966-June 30, 1967:

Circuit Judge	\$ 15,315.00
Circuit Stenographer	6,066.00
Travel	2,334.00
Official Expense (Circuit Stenographer)	188.00
Total	<hr/> \$ 23,903.00

SECTION 3**Governor's Office**

Agricultural Assistant	\$ 15,000.00
For Replacement of Autos for Law Enforcement Division	35,000.00
Total	<hr/> \$ 50,000.00

SECTION 4**Secretary of State**

Election Expenses	\$ 5,000.00
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SECTION 5**Comptroller General**

Election Expenses	\$ 170,000.00
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SECTION 6**Attorney General**

For 16th Judicial Circuit, for period November 15,
1966-June 30, 1967:

Circuit Solicitor	\$ 8,580.00
Expense Allowance (Solicitor)	200.00
Total	<hr/> \$ 8,780.00

SECTION 7**University of South Carolina**

Books for Regional Campus Libraries\$ 42,000.00

SECTION 8**The Citadel**

For Equipment\$ 200,000.00

SECTION 9**Clemson University (Educational and General)**

Equipment and/or Maintenance for Sumter
Branch (Junior College Program)\$ 31,000.00
For Maintenance 103,316.00

Total\$ 134,316.00

Provided, That the above amount "For Maintenance" shall be available only to cover any reduction in Morrill-Nelson Federal Funds allocated to Clemson University for the fiscal year 1966-67.

SECTION 10**Winthrop College**

For Purchase of Data Processing Equipment ..\$ 18,600.00

SECTION 11**State Medical College**

For Equipment\$ 150,000.00

SECTION 12**S. C. State College**

For Maintenance\$ 103,316.00

Provided, That the above amount shall be available only to cover any reduction in Morrill-Nelson Federal Funds allocated to State College for the fiscal year 1966-67.

SECTION 13**Superintendent of Education's Office**

Equipment for Area Vocational Schools	\$ 249,305.00
For Adult Education	1,500,000.00
Schoolbook Commission :	
For Free Textbooks, Grades 1 through 4	2,500,000.00
For General School Purposes, Including pay- ment of School Debt	3,300,000.00

Total\$ 7,549,305.00

Provided, That the above amount for Adult Education shall be made available to the several counties for expenses of Adult Education courses approved by the State Board of Education. The amount allocated to each county shall be based on the number of functionally illiterate persons as enumerated in reports of the U. S. Census of 1960.

Provided, That notwithstanding the amount listed in this section "For General School Purposes, Including Payment of School Debt" there is hereby appropriated a sum equal to \$5.00 per pupil enrolled in the public schools of the State for the year 1965-66. Such appropriation shall be allocated among the several counties on the basis of school enrollment for the year 1965-66 and shall be disbursed to counties not later than August 15, 1966. *Provided*, further, that of the amount so allocated to each county a sum equal to fifty cents (50¢) per pupil shall be used for operating expenses of the School Lunch Program.

Provided, That the amount appropriated in this section for free text books shall be expended from revenue of the fiscal year 1966-67.

SECTION 14**Educational Television Commission**

Video Tape	\$ 30,000.00
Special Programs	25,000.00

Total\$ 55,000.00

SECTION 15**Advisory Committee for Technical Training**

Special Schools	\$ 1,000,000.00
For Pilot Technical Junior College Programs...	50,000.00
For Pilot Agricultural Technology Program ...	67,200.00

Total

\$ 1,117,200.00

Provided, That the above amount for Pilot Agricultural Technology Program shall be expended for programs jointly conducted by Clemson University, the State Committee for Technical Education, and the Division of Vocational Agriculture in the State Department of Education, in accord with the provisions of Concurrent Resolution H. 2137 of the 1966 General Assembly. The expenditure of this appropriation is conditioned upon the securing of an equal amount of Federal Funds for such program.

SECTION 16**Archives Department**

For Erection of Monument at Gravesite of Confederate Veteran Arnold Murray	\$ 500.00
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SECTION 17**State Department of Mental Health**

For Equipment	\$ 300,000.00
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SECTION 18**Vocational Rehabilitation**

Case Services to Clients	\$ 10,000.00
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SECTION 19**Department of Agriculture**

Pure Food and Drug:

Personal Service, Materials, Supplies and Equipment	\$ 6,800.00
For Eradication of Noxious Aquatic Plants ...	10,000.00

Total

\$ 16,800.00

Provided, That the amount appropriated above "For Eradication of Noxious Aquatic Plants" shall be matched by Federal Funds on a State—30%, Federal—70% basis.

SECTION 20

Forestry Commission

For Purchase of Supression Units\$ 45,600.00

SECTION 21

Clemson University (Public Service Activities)

For initiation of the following Seed Breeding

Programs:

Small Grains	\$ 23,000.00
Soy Beans	25,000.00
Cotton	18,000.00
Tobacco	18,000.00
Tomatoes, Southern Peas and Sweet Potatoes	13,000.00
Peaches	23,000.00

Total\$ 120,000.00

SECTION 22

Wildlife Resources Department

For marking submerged islands, points and
channels in inland lakes\$ 50,000.00

SECTION 23

Miscellaneous Appropriations

Tri-Centennial Commission	\$ 10,000.00
Committee on Election Laws	1,500.00

Total\$ 11,500.00

SECTION 24**Contributions**

Civil Air Patrol:

For Repair of and Equipment for Three

Planes	\$ 10,650.00
Palmetto Outdoor Historical Drama Association	50,000.00
Richland County Historic Preservation Com- mission	20,000.00

Total\$ 80,650.00

Provided, That payment of the above amount to the "Palmetto Outdoor Historical Drama Association" shall be approved by the Budget and Control Board in accord with the provisions of Concurrent Resolution S. 739 of the 1964 General Assembly.

PART III**SECTION 1**

The following sums of money, if so much be necessary, are hereby appropriated out of the General Fund of the State for permanent improvements. Such sums shall remain available for the purposes set forth herein until June 30, 1968.

SECTION 2**Adjutant General**

For Repairs to Hampton County Armory\$ 5,000.00

SECTION 3**S. C. State College**

New Library Building	\$ 640,000.00
Addition to Science Building	850,000.00
New Boys' Dormitory	400,000.00

Total\$ 1,890,000.00

SECTION 4**John de la Howe School**

For Completion of New Cottage	\$ 25,000.00
Additional Cottage	100,000.00
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Total	\$ 125,000.00

SECTION 5**School for the Deaf and the Blind**

Renovation of Ballard Hall	\$ 100,000.00
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SECTION 6**Opportunity School**

Dormitories	\$ 230,000.00
Physical Therapy Education and Recreation Building	228,000.00
Dining Hall, Kitchen and Food Storage Building	169,000.00
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Total	\$ 627,000.00

SECTION 7**Educational Finance Commission**

Construction of School Bus Maintenance Shops	\$ 204,000.00
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SECTION 8**Whitten Village**

For Renovation of Existing Buildings	\$ 250,000.00
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SECTION 9**S. C. Sanatorium**

Fire Exits	\$ 50,000.00
Sprinkler System—Nurses' Home	18,000.00
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Total	\$ 68,000.00

SECTION 10

Department of Corrections

Additional Facilities—Youth Correctional	
Center	\$ 782,644.00
Building for Aged and Infirm	120,000.00
New Pre-Release Center	300,000.00
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Total	\$ 1,202,644.00

SECTION 11

S. C. School for Boys

Dairy Facilities—Construction and Equipment	\$ 21,800.00
Barns	9,500.00
Silage Storage Facility	5,000.00
Brooder House and Equipment	2,600.00
Paving Dairy Area	2,200.00
Grading and Preparation for Pavement of the	
Dairy Area	1,500.00
Water and Electrical Lines, Hardware and	
Drainage Pipes to Dairy Area	5,000.00
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Total	\$ 47,600.00

SECTION 12

S. C. School for Girls

Construction of Two New Cottages	\$ 213,400.00
Construction of Dining Room and Kitchen	95,100.00
Construction of Administration and Activities	
Building	53,800.00
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Total	\$ 362,300.00

SECTION 13

John G. Richards School for Boys

Residence for Superintendent	\$ 21,000.00
Infirmary and Quarters for Nurses	75,000.00
Staff Quarters	64,000.00
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Total	\$ 160,000.00

SECTION 14**Budget and Control Board**

General Services Division:

Repairs and Alterations:

State House\$ 170,000.00

Governor's Mansion 10,000.00

Total\$ 180,000.00

Provided, That the Budget and Control Board is authorized to expend not exceeding \$80,000.00 out of the Funded Debt Sinking Fund for the purchase of the Schirmer property located at the North-east corner of Bull and Pendleton Streets in the City of Columbia.

SECTION 15**Board of Health**

For Construction of Warehouse\$ 60,000.00

SECTION 16**Forestry Commission**

Aiken State Park:

Camping Area Latrine\$ 6,000.00

Barnwell State Park:

Park Assistant Residence and Camping Area

Latrine 19,000.00

Cheraw State Park:

Camping Area Latrine 6,000.00

Croft State Park:

Superintendent's Residence 16,500.00

Camping Area 19,500.00

Picnic Areas 15,150.00

Boat Storage 2,000.00

Canteen and First Aid Building 7,000.00

Givhans Ferry State Park:

Park Assistant Residence 13,000.00

Hunting Island State Park:

Two Change Houses and Camping Area

Latrine 9,000.00

Kings Mountain State Park:	
Camping Area Latrine	6,000.00
Lee State Park:	
Camping Area Latrine	6,000.00
Little Pee Dee State Park:	
Camping Area Latrine	6,000.00
Oconee State Park:	
Camping Area Latrine	6,000.00
Rivers Bridge State Park:	
Camping Area Latrine	6,000.00
Baker Creek State Park (Clark Hill):	
Superintendent's Residence	14,000.00
Picnic Area and Camping Area Latrines	12,000.00
Work Shop	5,000.00
Sadler Creek State Park:	
Superintendent's Residence	14,000.00
Picnic Area and Camping Area Latrines	12,000.00
Work Shop	5,000.00
Kings Mountain Park:	
Repairs to Dam	8,850.00
Clearing and Grading:	
Picnic, Camping and Parking Areas	8,000.00
Water and Sewerage Systems:	
Picnic and Family Camping Areas	9,000.00
Andrew Jackson State Park:	
Fireproof wing for Museum, and paved walks in certain areas	25,000.00
Total	\$ 256,000.00

SECTION 17

Aeronautics Commission

Item 1. Airport Development:	
Hilton Head	\$ 14,500.00
Winnsboro	45,000.00
Andrews	37,500.00
Saluda	45,000.00
Marlboro	13,000.00
St. George	20,000.00

Laurens	30,000.00
Sumter	3,000.00
Hemingway	7,500.00
Dillon	12,000.00

Provided, That with the exception of the Hemingway Airport, the above amounts shall be expended on a Federal—50%, State—25%, Local—25% matching basis.

Item 2. Repairs to Airports:

Darlington	\$ 16,995.00
Anderson	122,331.00
Walterboro	16,280.00
Aiken	32,450.00
Barnwell	46,866.00
Chester	20,000.00
Georgetown	13,860.00
Florence	42,669.00
Edgefield	1,500.00
Greenwood	7,500.00
Moncks Corner	2,000.00
Engineering Services	11,140.00

Item 3. Renovation of Administration Building 10,000.00

Total\$571,091.00

SECTION 18

Miscellaneous Appropriations

Highway Department:

For Beach Erosion Control	\$ 150,000.00
For Beach Erosion and Inlet Stabilization Research	10,000.00

Total\$ 160,000.00

SECTION 19**Development Board**

For Erection of Tourist Welcome Station \$ 75,000.00

Provided, That the above amount shall be expended for the erection of a station at the north entrance of U. S. Highway No. 17 into South Carolina.

GRAND TOTAL, Parts I, II, III \$17,470,242.00

PART IV**SECTION 1****Surplus Allocations Suspended**

The provisions of Section 21-293 Code of Laws of S. C. 1962, relating to the distribution of excess revenues to the counties for school purposes, are hereby suspended as such provisions may apply to excess revenues at the close of the fiscal year 1965-66.

SECTION 2**General Fund Reserve, End of 1965-66**

Notwithstanding any provisions of law to the contrary all excess revenues in the State's General Fund at the close of the fiscal year 1965-66, as determined by the State Budget and Control Board under the provisions of Section 1-782, Code of Laws of S. C. 1962, shall be transferred to the General Fund Reserve.

SECTION 3**General Fund Reserve, End of 1966-67**

Notwithstanding any provisions of law to the contrary the amount of the General Fund Reserve to be established by the State Budget and Control Board at the end of the fiscal year 1966-67, in accord with the provisions of Section 1-782 Code of Laws of S. C. 1962, as amended, shall be \$7,500,000.00.

SECTION 4**Hospital Plans**

Any insurance company, medical service corporation, or corporation operating a non-profit hospital service plan as defined in Title 37, Code of Laws of South Carolina, 1962, shall be deemed to have the corporate power to act as an agent in the administration of programs of health, hospital and medical insurance sponsored or financed by an agency of the United States.

The provisions of this section shall be effective through June 30, 1967, only.

SECTION 5**State Retirement System**

(a) Section 61-33, Code of Laws of South Carolina, 1962, as amended, is further amended by striking "1964" on line 3 and inserting in lieu thereof "1966". The section when amended shall read as follows:

"Section 61-33. All persons who were teachers or State, county or municipal employees on April 26, 1945, or who became such after this date but on or before December 31, 1966, except those specifically excluded under Section 61-35 and the persons permitted to exercise the option under Sections 61-39 to 61-41, became members as of July 1, 1945, or as of the date of last employment, if later, unless on or before December 31, 1948, they filed with the Board on a form prescribed by the Board a notice of their election not to be covered in the membership of the System and a duly executed waiver of all present and prospective benefits which would otherwise inure to them on account of their participation in the System."

(b) Section 61-34, Code of Laws of South Carolina, 1962, as amended, is further amended by striking "1964" on line six and inserting in lieu thereof "1966". The section when amended shall read as follows:

"Section 61-34. A teacher or employee whose membership in the System is contingent on his own election and who after December 31, 1948 had an effective election not to become a member may thereafter apply for and be entitled to membership, but no such teacher or employee shall receive prior service credit unless such application is made on or before December 31, 1966."

(c) Section 61-51, Code of Laws of South Carolina, 1962, as amended, is further amended by striking "1964" on line four and inserting in lieu thereof "1966". The section when amended shall read as follows:

"Section 61-51. Under rules and regulations adopted by the Board, each member who was a teacher or employee at any time prior to July 1, 1945, and who became a member on or before December 31, 1966, was required to file a detailed statement of all service as a teacher or employee rendered by him prior to July 1, 1945, for which he claimed credit."

(d) Section 61-54, Code of Laws of South Carolina, 1962, as amended, is further amended by striking "1964" on line five and inserting in lieu thereof "1966". The section when amended shall read as follows:

"Section 61-54. All counties, municipalities or other political subdivisions of the State, any agencies and departments thereof including school boards and any service organization as defined in item (4) of Section 61-1 which availed themselves of the provisions of Section 61-37 on or before December 31, 1966, did so without loss or prejudice to their affected employees' or teachers' claims to prior service credits but such electing employers and their employees or teachers shall be subject to the payment of such contributions, if any, as the Board may determine to be necessary to avoid any possible discrimination as against employers and employees or teachers coming under the terms hereof at an earlier date. But the compensation received by the employees of such service organizations shall be provided from moneys paid by the members as dues or otherwise or from funds derived from public sources. The employee contributions prescribed by this Title shall be paid from the fund of the service organization.

SECTION 6

Retirement Committee Created

There is hereby created a committee of seven members, three of whom shall be members of the Senate to be appointed by the presiding officer of the Senate, three of whom shall be members of the House of Representatives to be appointed by the Speaker of the House, and the Director of the South Carolina Retirement System, who shall serve ex officio. At its first meeting the committee shall organize by selecting from its membership a chairman, a vice chair-

man, a secretary and such other officers as the committee may determine.

The committee shall act as a continuing liaison group to keep the General Assembly informed on matters pertaining to state retirement systems. It is authorized to make any studies which it deems advisable relating to the retirement systems or any other problems concerning retirement. The committee shall make such reports and recommendations as it sees fit.

The sum of two thousand dollars is hereby appropriated from the general fund of the State to cover the expenses of the committee. The members of the committee shall be allowed the usual per diem and mileage as provided by law.

PART V

SECTION 1

Permanent Provisions

It is hereby declared to be the intent of the General Assembly that the following section shall constitute a part of the permanent laws of the State of South Carolina, and the Code Commissioner is hereby directed to include same in the next edition of the Code of Laws of South Carolina and all supplements thereto:

SECTION 2

Woodrow Wilson Memorial Home

(A) The Division of General Services of the Budget and Control Board is directed to deed in fee simple the property on which the Woodrow Wilson Memorial Home is situated, together with all the improvements thereon, to the Richland County Historic Preservation Commission, with a clause to the effect that, should the property cease to be used as the Woodrow Wilson Memorial Home, the title to the property shall revert to the State of South Carolina.

(B) Chapter 10 of Title 44, Code of Laws of South Carolina, 1962, is hereby repealed.

SECTION 3**Educational Television**

(A) The General Assembly finds that funds are needed for constructing and equipping additional open circuit educational television stations in order that the total area of South Carolina will be covered by the network of such stations operated by the Educational Television Commission.

(B) For the purpose of constructing and equipping additional open circuit educational television stations, the General Assembly hereby authorizes the issuance of State Notes not to exceed \$2,000,000.00. Such Notes shall be executed in the name of the State by the Governor and State Treasurer and shall mature in annual amounts not to exceed a period of twenty years. Interest rate on the Notes and other terms and conditions under which they are issued shall be subject to the approval of the State Budget and Control Board.

(C) For the payment of the principal and interest on the Notes issued pursuant to this section there shall be pledged so much thereof as may be needed of the revenue derived from the tax imposed pursuant to Article I, Chapter 12, Title 65, Code of Laws of South Carolina, 1962. Until payment of such principal and interest has been made or has been provided for, all sums received in each fiscal year from the tax referred to above shall be delivered to the State Treasurer and shall be applied by him to the payment of the principal and interest, and to the debt servicing of other outstanding obligations of the State also secured by a pledge of such revenues. Thereafter, further revenues from such tax for such fiscal year may be used for other purposes. The General Assembly takes note of the fact that there are presently outstanding obligations of the State of South Carolina payable from the tax pledged, and it is hereby declared that the Notes authorized by this section shall in all respects be on a parity with such outstanding obligations. The pledge of revenues derived from the tax herein referred to shall not preclude the issuance by the State of further obligations secured, in whole or in part, by a pledge of such revenues on a parity with the pledge herein authorized, nor shall the pledge of revenue derived from such tax preclude the revision of such tax as to rate or method, either or both, if the State Auditor shall certify that his estimate of the revenue to be derived annually from the tax as thus revised will not be less than

one hundred and twenty-five per cent of that sum which is equal to the maximum annual principal and interest requirements on all notes or obligations of the State for which the revenues derived from this tax have been pledged. The certificate shall be appended to the enrolled act and be presented to the Joint Assembly on the occasion the act is presented for ratification.

(D) The State Budget and Control Board, in its capacity as Trustee of the funds of the South Carolina Retirement System, is authorized to invest Retirement System funds in the Notes authorized in this section.

(E) The proceeds of the Notes issued pursuant to this section shall be placed in the State Treasury in a special account, to the credit of the "Educational Television Commission", to be expended solely for the purposes outlined herein.

SECTION 4

School Committee Abolished

Act No. 927 of 1956, creating a committee to study and report on the advisable course to be pursued by the State in respect to its educational and public facilities in view of the Federal Court decisions is hereby repealed.

Any lawsuits pending which are being represented by the legal staff of the committee shall be referred to the Attorney General of South Carolina for further representation and final disposition.

Any financial obligations outstanding on the effective date of this act shall be paid from the appropriation for the committee for the fiscal year 1965-1966.

SECTION 5

State Retirement System

Section 61-119, Code of Laws of South Carolina, 1962, is amended by striking on line four the figures "1961" and inserting "1967". The section when amended shall read as follows:

"Section 61-119. Any member may elect to become entitled to a special annuity on account of his out-of-state service by making a special lump-sum contribution as set forth hereinafter. Such contribution shall be made not later than June 30, 1967 if he is a member of the System on July 1, 1960, or within the first year of his membership if he becomes a member after July 1, 1960. The special lump-

sum contribution shall be equal to the aggregate, excluding interest, of the contributions he would have made to this System during the portion, if any, of his out-of-state service rendered after July 1, 1945 had such service been rendered within this State. Such contribution shall thereafter be treated in the same way as the regular contributions required hereunder, for the purpose of computing any benefit payable upon termination of membership prior to retirement; and it shall, together with any interest credits allowed by the Board, be used to provide a special employee annuity upon his retirement."

All Acts or parts of Acts inconsistent with the provisions of Parts I, II, III and IV of this Act are hereby suspended for the duration of those parts of this Act.

All Acts or parts of Acts inconsistent with the provisions of Part V of this Act are hereby repealed.

This Act shall take effect upon its approval by the Governor.

Approved the 11th day of May, 1966.

(R1206, H2579)

No. 1020

An Act To Amend Article 31, Chapter 8, Title 14, Code Of Laws Of South Carolina, 1962, Creating The Pickens County Planning And Development Commission, So As To Provide That The Provisions Of The County Planning Act, With Certain Modifications, Shall Apply To Pickens County.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Article 31, Chapter 8, Title 14 amended—new section added—County Planning Act applicable to Pickens County.—Article 31, Chapter 8, Title 14, Code of Laws of South Carolina, 1962, is amended by adding a new section to read as follows :

"Section . . . The provisions of The County Planning Act, Article 1 of this Chapter, shall apply to Pickens County, subject to the following modification: The Planning and Development Commission for Pickens County shall be appointed by the Governor with the advice and consent of the majority of the county legislative delegation, including the Senator. The Pickens County Planning and Development Commission, in addition to its present authority and responsibility, is

hereby vested with all the powers and duties conferred upon county planning boards by The County Planning Act.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 10th day of May, 1966.

(R1209, S43)

No. 1021

An Act To Prohibit The Use Of Written Statements Signed By Witnesses In Any Civil Judicial Proceedings Unless They Are Furnished A Copy.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Use of written statements of witnesses.—No statement taken from and signed by a witness or litigant after July 1, 1966 shall be used in any civil judicial proceeding for the purpose of contradicting, impeaching or attacking the credibility of such a witness or litigant, unless such party shall have been furnished a copy of said statement at the time of its signing.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 14th day of May, 1966.

(R1210, S621)

No. 1022

An Act To Amend Section 59-604, Code Of Laws Of South Carolina, 1962, Relating To The Qualification Of Voters In Certain Elections, So As To Permit Any Qualified Elector To Vote Therein.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 59-604 amended—persons eligible to vote.—Section 59-604 of the 1962 Code is amended by striking it out and inserting in lieu thereof the following :

“Section 59-604. Any person who is qualified to vote under the general law of this State and who resides within the district shall be eligible to vote.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 14th day of May, 1966.

(R1211, S646)

No. 1023

An Act To Provide Supplemental Payments From The South Carolina Retirement System For Certain Persons.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Supplemental benefits for certain members of S. C. Retirement System.—Notwithstanding any other provision of law, any person whose membership in the South Carolina Retirement System became effective on or after January 1, 1951, and who had twenty or more years creditable service performed prior to July 1, 1945, shall receive the benefits and come under the provisions of Section 61-212, Code of Laws of South Carolina, 1962, as amended.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 14th day of May, 1966.

(R1212, S681)

No. 1024

An Act To Amend Section 65-1522, Code Of Laws Of South Carolina, 1962, As Amended, Relating To General Exemptions From Taxes, So As To Exempt Property Of The Carolina Research And Development Foundation.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 65-1522 amended—tax exemption for Carolina Research and Development Foundation.—Section 65-1522, Code of Laws of South Carolina, 1962, as amended, is further amended by adding the following new item so as to exempt property of the Carolina Research and Development Foundation from taxes:

“() All property of the Carolina Research and Development Foundation, not used or operated for profit, shall be exempt from

all State, county, school, municipal and special taxes. Such exemption shall cease upon the receipt of any income from such property by lease or otherwise.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 14th day of May, 1966.

(R1213, S720)

No. 1025

An Act To Amend Section 21-486, Code Of Laws Of South Carolina, 1962, Providing For The Waiver Of Rental Fees For Textbooks In Public Schools, So As To Direct The State Board Of Education To Furnish Free Basal Textbooks In Grades One Through Four And In Such Additional Grades As Available Funds Will Permit; And To Appropriate Two Million Five Hundred Thousand Dollars For Use In Purchasing Textbooks For Free Use.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 21-486 amended—textbooks to be furnished free to certain grades.—Notwithstanding the provisions of Title 21, Chapter 14, Sections 21-451 through 21-596, Code of Laws of South Carolina, 1962, and any other laws to the contrary, Section 21-486 of the 1962 Code is amended so as to provide free textbooks in certain grades by adding at the end thereof the following: “To this end, effective at the beginning of the 1966-67 school year, the State Board of Education is directed to provide, without cost to the student, basal textbooks adopted or approved by it for use in grades one through four of the public schools; and effective at the beginning of the 1967-68 school year, the State Board of Education is directed to provide, without cost to the student, basal textbooks adopted or approved by it for use in grades five and six of the public schools; and effective at the beginning of the 1968-69 school year, the State Board of Education is directed to provide, without cost to the student, basal textbooks adopted or approved by it for use in grades seven and eight. Title to books so provided shall remain in the State Board of Education. Each school district shall fully utilize all books owned by it to effect the purposes of this section.” The section when amended shall read as follows:

"Section 21-486. The State Schoolbook Commission shall waive rentals for as many of the grammar and high school grades as available funds will permit, to the end that textbooks shall be supplied to the school children of the State without charge at the earliest possible date. To this end, effective at the beginning of the 1966-67 school year, the State Board of Education is directed to provide, without cost to the student, basal textbooks adopted or approved by it for use in grades one through four of the public schools; and effective at the beginning of the 1967-68 school year, the State Board of Education is directed to provide, without cost to the student, basal textbooks adopted or approved by it for use in grades five and six of the public schools; and effective at the beginning of the 1968-69 school year, the State Board of Education is directed to provide, without cost to the student, basal textbooks adopted or approved by it for use in grades seven and eight. Title to books so provided shall remain in the State Board of Education. Each school district shall fully utilize all books owned by it to effect the purposes of this section."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 14th day of May, 1966.

(R1214, S743)

No. 1026

An Act To Amend Section 21-3512, Code Of Laws Of South Carolina, 1962, As Amended, Relating To Duties And Powers Of Area School Trustees In Marlboro County, So As To Delete The Provision Empowering The Trustees To Recommend Members Of The County Board Of Education To The Governor For Appointment, And To Re-enact Section 21-3503, Code Of Laws Of South Carolina, 1962, As Amended, Relating To The Appointment Of Members To The County Board Of Education In Marlboro County.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 21-3512 amended—subsection (8) deleted—recommendation of board members.—Section 21-3512 of the 1962 Code, as amended, is further amended by deleting subsection (8)

relating to the appointment of members to the county board of education in Marlboro County upon recommendation of area trustees.

SECTION 2. Section 21-3503 amended—appointments and vacancies.—Section 21-3503 of the 1962 Code, as amended, is re-enacted to read as follows:

“Section 21-3503. Upon the expiration of the terms of office of each of the members of the Marlboro County Board of Education, such office shall be filled by appointment of the Governor for the regular five-year term upon the recommendation of the Legislative Delegation of Marlboro County. In case of any vacancy in such office by death, resignation or disqualification, the vacancy shall be filled by appointment for the remainder of the regular term only, by the Governor upon the recommendation of the Legislative Delegation of Marlboro County.”

SECTION 3. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 14th day of May, 1966.

(R1215, S751)

No. 1027

An Act To Create The Dillon County Historic Preservation Commission And To Prescribe Its Powers And Duties.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Dillon County Historic Preservation Commission created.—There is hereby created and established the Dillon County Historic Preservation Commission, hereinafter referred to as the Commission, with such duties, powers and authority as herein provided.

SECTION 2. To be corporate body.—The Commission is hereby declared to be a body politic and corporate and shall exercise and enjoy all the rights and privileges of such and be subject to the rules and regulations herein imposed.

SECTION 3. Appointments—terms—officers — compensation.—The Commission shall be composed of seven resident electors of the county to be appointed by the Governor upon the recommendation of the Dillon County Legislative Delegation. The members shall serve

for terms of four years and until their successors are appointed and qualify, except that the first appointment shall be as follows: three for four years, two for three years and two for two years. The terms of those first appointed shall be determined by lot.

Immediately upon the appointment of the Commission, it shall organize by electing one of its number as chairman, a second as vice-chairman and a third as secretary. The officers of the Commission shall hold office for terms of one year and until their successors shall be chosen and qualify. It shall be the duty of the Commission to see that a record of the appointees to the Commission shall be filed in the Clerk of Court's office in Dillon County, so as to indicate the persons holding office as members of the Commission and the duration of their respective terms. No member of the Commission shall receive any compensation for his services as a member of the Commission. Membership on the Commission shall not be construed to be an office of honor or profit.

SECTION 4. Powers and duties.—The Commission shall be empowered as follows:

- (1) To sue and be sued.
- (2) To adopt, use and alter a corporate seal.
- (3) To contract with others in furtherance of its purposes and to charge admission fees to its facilities.
- (4) To make bylaws for the management and regulation of its affairs.
- (5) To acquire, own, hold in trust, preserve, restore, maintain, suitably mark, develop, advertise, and operate buildings and structures of historic significance, and the land upon which the same may be situate, in Dillon County, and to receive funds, grants, donations and appropriations for the accomplishment of these purposes.
- (6) To prescribe rules and regulations governing the use of the facilities.
- (7) To appoint agents, employees and servants, to prescribe their duties, to fix their compensation, to determine if and to what extent they shall be bonded for the faithful performance of their duties.
- (8) To authorize and create advisory committees and special memberships and societies in furtherance of its purposes.

SECTION 5. Exempt from taxes.—All property of the Commission shall be exempt from all ad valorem taxes levied by the State, county or any municipality, division, subdivision or agency, direct or indirect.

SECTION 6. Fiscal year, audit and report.—The Commission shall conduct its affairs on the fiscal year basis employed by Dillon County. As shortly after the close of its fiscal year as may be practicable an audit of its affairs shall be made by a certified public accountant of good standing, to be designated by the Commission. Copies of such audit, incorporated into an annual report of the Commission, shall be filed with the county delegation and in the office of the clerk of court for the county.

SECTION 7. Contracts not to be impaired.—The right to alter, amend or rescind this act is hereby expressly reserved and disclosed, but no such amendment or repeal shall operate to impair the operation of any otherwise lawful contract made by the authority, pursuant to any power conferred by this act.

SECTION 8. Appropriations.—Funds for the operation of the Commission shall be such as may be provided in the annual appropriation act for Dillon County.

SECTION 9. When action may be taken.—Any action required of the Commission may be taken at any meeting of the Commission, regular or special, and at such meeting a majority of the members of any otherwise lawful contract made by the authority pursuant to transacting the business of the Commission.

SECTION 10. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 14th day of May, 1966.

(R1216, S752)

No. 1028

An Act To Amend Section 15-274, Code Of Laws Of South Carolina, 1962, As Amended, Relating To Terms Of Court In The Sixth Judicial Circuit, So As To Change The Times For Holding Circuit Court In Chester And Lancaster Counties, And The Court Of Common Pleas In Fairfield County.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Item (1) of Section 15-274 amended—terms of court for Chester County.—Item (1) of Section 15-274 of the 1962 Code is amended by striking it in its entirety and inserting in lieu

thereof the following, so as to change the times for holding circuit court in Chester County:

“(1) *Chester County*.—The court of general sessions for the County of Chester shall be held at Chester on the first Monday in March, the third Monday in June and the second Monday in October. The court of common pleas for the county shall be held at Chester on the second Monday in January, the third Monday in February, the second Monday in April, the fourth Monday in May, the fourth Monday in September and the second Monday in December.”

SECTION 2. Item (2) of Section 15-274 amended—terms of court for Fairfield County.—Item (2) of Section 15-274 of the 1962 Code is amended by striking the words “second” and “November” on the last line and inserting in lieu thereof “first” and “December” so that when so amended, the item shall read:

“(2) *Fairfield County*.—The court of general sessions for Fairfield County shall be held at Winnsboro on the first Monday in February, the second Monday in June and the Tuesday following the first Monday in September. The court of common pleas for the county shall be held at Winnsboro on the second Monday in March, the third Monday in May, the first Monday in October and the third Monday in December.”

SECTION 3. Item (3) of Section 15-274 amended—terms of court for Lancaster County.—Item (3) of Section 15-274 of the 1962 Code, as amended, is further amended by striking it in its entirety and inserting in lieu thereof the following, so as to change the times for holding circuit court in Lancaster County:

“(3) *Lancaster County*.—The court of general sessions for Lancaster County shall be held at Lancaster on the fourth Monday in January, the second Monday in February, the fourth Monday in April, the third Monday in September and the fourth Monday in November. The court of common pleas shall be held at Lancaster on the third Monday in January, the third Monday in March, the first Monday in April, the second Monday in May, the second Monday in September, the fourth Monday in October and the first Monday in December.”

SECTION 4. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 14th day of May, 1966.

(R1217, S768)

No. 1029

An Act To Amend Section 70-361, As Amended, Code Of Laws Of South Carolina, 1962, Relating To The Abbeville Water Authority In Abbeville County, So As To Change The Name To Abbeville County Water And Sewage Authority And To Authorize The Authority To Make Plans Relating To Sewage Systems.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 70-361 amended—Abbeville County Water and Sewage Authority created.—Section 70-361 of the 1962 Code, as amended by an Act of 1966 bearing ratification number R780, is further amended by striking the section in its entirety so as to change the name of the Authority and to extend its operations to include sewage. When amended, the section shall read as follows:

“Section 70-361. There is hereby created a body corporate and politic to be known as the Abbeville County Water and Sewage Authority. It shall be the function of the Authority to act in a planning and advisory capacity to any governing body in Abbeville County operating a water and sewage system when so requested by such governing body. The Authority shall have the power to do comprehensive planning of water and sewage facilities within the county where such facilities are not presently provided for.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 14th day of May, 1966.

(R1218, S520)

No. 1030

An Act To Amend Sections 62-402 Through 62-405, 62-407 And 62-408, Code Of Laws Of South Carolina, 1962, Relating To Gifts Of Securities And Money To Minors, So As To Further Provide Therefor And To Include Life Insurance Policies And Annuity Contracts, And To Amend The Code Of Laws Of South Carolina, 1962, By Adding Section 62-412, So As To Further Provide For The Construction Of The Provisions Of Chapter 2, Title 62.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 62-402 amended—definitions.—Section 62-402 of the 1962 Code is amended by striking it in its entirety and inserting:

“Section 62-402. In this chapter, unless the context otherwise requires:

(1) An ‘adult’ is a person who has attained the age of twenty-one years.

(2) A ‘bank’ is any bank, trust company, national banking association or industrial bank.

(3) A ‘broker’ is a person lawfully engaged in the business of effecting transactions in securities for the account of others. The term includes a bank which effects such transactions. The term also includes a person lawfully engaged in buying and selling securities for his own account, through a broker or otherwise, as a part of a regular business.

(4) ‘Court’ means the court of common pleas.

(5) ‘The custodial property’ includes:

(a) all securities, life insurance policies, annuity contracts and money under the supervision of the same custodian for the same minor as a consequence of a gift or gifts made to the minor in a manner prescribed in this act;

(b) the income from the custodial property; and

(c) the proceeds, immediate and remote, from the sale, exchange, conversion, investment, reinvestment, surrender or other disposition of such securities, money, life insurance policies, annuity contracts and income.

(6) A ‘custodian’ is a person so designated in a manner prescribed in this act, and the term includes a successor custodian.

(7) A ‘guardian’ of a minor means the general guardian, guardian, tutor or curator of his property or estate, appointed or qualified by a court of this State or another state.

(8) An ‘issuer’ is a person who places or authorizes the placing of his name on a security, other than as a transfer agent, to evidence that it represents a share, participation or other interest in his property or in an enterprise, or to evidence his duty or undertaking to perform an obligation evidenced by the security, or who becomes responsible for or in place of any such person.

(9) A ‘legal representative’ of a person is his executor or the administrator, general guardian, guardian, committee, conservator, tutor or curator of his property or estate.

(10) A 'member of a minor's family' means any of the minor's parents, grandparents, brothers, sisters, uncles and aunts, whether of the whole blood or the half blood, or by or through legal adoption.

(11) A 'minor' is a person who has not attained the age of twenty-one years.

(12) A 'savings and loan association' is a State-chartered savings and loan association or building and loan association or a Federally-chartered savings and loan association.

(13) A 'security' includes any note, stock, treasury stock, bond, debenture, evidence of indebtedness, certificate of interest or participation in an oil, gas or mining title or lease or in payments out of production under such a title or lease, collateral trust certificate, transferable share, voting trust certificate or, in general, any interest or instrument commonly known as a security, or any certificate of interest or participation in, any temporary or interim certificate, receipt or certificate of deposit for, or any warrant or right to subscribe to or purchase, any of the foregoing. The term does not include a security of which the donor is the issuer. A security is in 'registered form' when it specifies a person entitled to it or to the rights it evidences and its transfer may be registered upon books maintained for that purpose by or on behalf of the issuer.

(14) A 'transfer agent' is a person who acts as authenticating trustee, transfer agent, registrar or other agent for an issuer in the registration of transfers of its securities or in the issue of new securities or in the cancellation of surrendered securities.

(15) A 'trust company' is a bank, corporation or other legal entity authorized to exercise trust powers in this State.

(16) A 'financial institution' is a bank, a federal savings and loan association, a savings institution chartered and supervised as a savings and loan or similar institution under federal law or the laws of a state, a federal credit union, or a credit union chartered and supervised under the laws of a state; a 'domestic financial institution' is one chartered and supervised under the laws of this State or chartered and supervised under federal law and having its principal office in this State; an 'insured financial institution' is one in which deposits (including a savings, share, certificate or deposit account) are, in whole or in part, insured by the Federal Deposit Insurance Corporation, by the Federal Savings and Loan Insurance Corporation, or by a deposit insurance fund approved by this State.

(17) A 'life insurance policy or annuity contract' means a life insurance policy or annuity contract issued by an insurance company

on the life of a minor to whom a gift of the policy or contract is made in the manner prescribed in this chapter or on the life of a member of the minor's family."

SECTION 2. Section 62-403 amended—manner of making certain gifts to minors.—Section 62-403 of the 1962 Code is amended by striking it in its entirety and inserting:

"Section 62-403. (1) An adult person may, during his lifetime, make a gift of a security, a life insurance policy or annuity contract or money to a person who is a minor on the date of the gift:

(a) If the subject of the gift is a security in registered form, by registering it in the name of the donor, another adult person or a trust company, followed, in substance, by the words: 'as custodian for _____ under the Uniform Gifts to Minors Act';
name of minor

(b) if the subject of the gift is a security not in registered form, by delivering it to an adult other than the donor or a trust company, accompanied by a statement of gift in the following form, in substance, signed by the donor and the person designated as custodian:

'GIFT UNDER THE SOUTH CAROLINA UNIFORM GIFTS TO MINORS ACT

I, _____, hereby deliver to _____ as
(name of donor) (name of custodian)
custodian for _____ under the South Carolina
(name of minor)

Uniform Gifts to Minors Act, the following security (ies): (insert an appropriate description of the security or securities delivered sufficient to identify it or them)

(signature of donor)
_____ hereby acknowledges receipt of the above
(name of custodian)
described security (ies) as custodian for the above minor under the
Uniform Gifts to Minors Act.

Dated: _____
(signature of custodian)'

(c) if the subject of the gift is money, by paying or delivering it to a broker or a domestic financial institution for credit to an account in the name of the donor, another adult, or a trust company, followed, in substance, by the words: 'as custodian for _____
(name of minor)
under the Uniform Gifts to Minors Act.'

(d) if the subject of the gift is a life insurance policy or annuity contract, by causing the ownership of the policy or contract to be registered with the issuing insurance company in the name of the donor, another adult, or a trust company, followed, in substance, by the words: 'as custodian for _____ under the
(name of minor)

Uniform Gifts to Minors Act.'

(2) Any gift made in a manner prescribed in Subsection (1) may be made to only one minor and only one person may be the custodian.

(3) A donor who makes a gift to a minor in the manner prescribed in Subsection (1) shall promptly do all things within his power to put the subject of the gift in the possession and control of the custodian, but neither the donor's failure to comply with this subsection, nor his designation of an ineligible person as custodian, nor renunciation by the person designated as custodian, affects the consummation of the gift."

SECTION 3. Section 62-404 amended—effect of gift.—Section 62-404 of the 1962 Code is amended by striking it in its entirety and inserting:

"Section 62-404. (1) A gift made in a manner prescribed in this chapter is irrevocable and conveys to the minor indefeasibly vested legal title to the security, life insurance policy, annuity contract or money given, but no guardian of the minor has any right, power, duty or authority with respect to the custodial property except as provided in this chapter.

(2) By making a gift in a manner prescribed in this chapter, the donor incorporates in his gift all the provisions of this chapter and grants to the custodian, and to any issuer, transfer agent, bank, broker or third person dealing with a person designated as custodian, the respective powers, rights and immunities provided in this chapter."

SECTION 4. Section 62-405 amended—powers and duties of custodian.—Section 62-405 of the 1962 Code is amended by striking it in its entirety and inserting:

"Section 62-405. (1) The custodian shall collect, hold, manage, invest and reinvest the custodial property.

(2) The custodian shall pay over to the minor for expenditure by him, or expend for the minor's benefit, so much of or all the custodial property as the custodian deems advisable for the support, maintenance, education and benefit of the minor in the manner, at the time or times, and to the extent that the custodian in his discretion deems

suitable and proper, with or without court order, with or without regard to the duty of himself or of any other person to support the minor or his ability to do so, and with or without regard to any other income or property of the minor which may be applicable or available for any such purpose.

(3) The court, on the petition of a parent or guardian of the minor or of the minor, if he has attained the age of fourteen years, may order the custodian to pay over to the minor for expenditure by him or to expend so much of or all the custodial property as is necessary for the minor's support, maintenance or education.

(4) To the extent that the custodial property is not so expended, the custodian shall deliver or pay it over to the minor on his attaining the age of twenty-one years or, if the minor dies before attaining the age of twenty-one years, he shall thereupon deliver or pay it over to the estate of the minor.

(5) The custodian, notwithstanding statutes restricting investments by fiduciaries, shall invest and reinvest the custodial property as would a prudent man of discretion and intelligence who is seeking a reasonable income and the preservation of his capital, except that he may, in his discretion and without liability to the minor or his estate, retain a security given to the minor in a manner prescribed in this chapter.

(6) The custodian may sell, exchange, convert, surrender or otherwise dispose of custodial property in the manner, at the time or times, for the price or prices and upon the terms he deems advisable. He may vote in person or by general or limited proxy a security which is custodial property. He may consent, directly or through a committee or other agent, to the reorganization, consolidation, merger, dissolution or liquidation of an issuer, a security which is custodial property, and to the sale, lease, pledge or mortgage of any property by or to such an issuer, and to any other action by such an issuer. He may execute and deliver any and all instruments in writing which he deems advisable to carry out any of his powers as custodian.

(7) The custodian shall register each security which is custodial property and in registered form in the name of the custodian, followed, in substance, by the words: 'as custodian for _____

(name of minor)

under the Uniform Gifts to Minors Act.' The custodian shall hold all money which is custodial property in an account with a broker or in an insured financial institution in the name of the custodian, followed, in substance, by the words: 'as custodian for _____

(name of minor)

under the Uniform Gifts to Minors Act.' The custodian shall keep all other custodial property separate and distinct from his own property in a manner to identify it clearly as custodial property.

(8) The custodian shall keep records of all transactions with respect to the custodial property and make them available for inspection at reasonable intervals by a parent or legal representative of the minor or by the minor, if he has attained the age of fourteen years.

(9) A custodian has, with respect to the custodial property, in addition to the rights and powers provided in this chapter, all the rights and powers which a guardian has with respect to property not held as custodial property.

(10) If the subject of the gift is a life insurance policy or annuity contract, the custodian:

(a) in his capacity as custodian, has all the incidents of ownership in the policy or contract to the same extent as if he were the owner, except that the designated beneficiary of any policy or contract on the life of the minor shall be the minor's estate and the designated beneficiary of any policy or contract on the life of a person other than the minor shall be the custodian as custodian for the minor for whom he is acting; and

(b) may pay premiums on the policy or contract out of the custodial property."

SECTION 5. Section 62-407 amended—liability of person dealing with custodian or donor.—Section 62-407 of the 1962 Code is amended by striking it in its entirety and inserting:

"Section 62-407. No issuer, transfer agent, bank, life insurance company, broker or other person or financial institution acting on the instructions of or otherwise dealing with any person purporting to act as a donor or in the capacity of a custodian is responsible for determining whether the person designated as custodian by the purported donor or by the custodian or purporting to act as a custodian has been duly designated or whether any purchase, sale or transfer to or by or any other act of any person purporting to act in the capacity of custodian is in accordance with or authorized by this chapter, or is obliged to inquire into the validity or propriety under this chapter of any instrument or instructions executed or given by a person purporting to act as a donor or in the capacity of a custodian, or is bound to see to the application by any person purporting to act in the capacity of a custodian of any money or other property paid or delivered to him. No issuer, transfer agent, bank, life insurance

company, broker or other person or financial institution acting on any instrument of designation of a successor custodian, executed as provided in Subsection (1) of Section 62-408 by a minor to whom a gift has been made in a manner prescribed in this chapter and who has attained the age of fourteen years, is responsible for determining whether the person designated by the minor as successor custodian has been duly designated, or is obliged to inquire into the validity or propriety under this chapter of the instrument of designation."

SECTION 6. Section 62-408 amended—successor custodians.—

Section 62-408 of the 1962 Code is amended by striking it in its entirety and inserting:

"Section 62-408. (1) Only an adult member of the minor's family, a guardian of the minor or a trust company is eligible to become successor custodian. A custodian may designate his successor by executing and dating an instrument of designation before a subscribing witness other than the successor; the instrument of designation may, but need not, contain the resignation of the custodian. If the custodian does not so designate his successor before he dies or becomes legally incapacitated, and the minor has attained the age of fourteen years, the minor may designate a successor custodian by executing an instrument of designation before a subscribing witness other than the successor. A successor custodian has all the rights, powers, duties and immunities of a custodian designated in a manner prescribed by this chapter.

(2) The designation of a successor custodian as provided in Subsection (1) takes effect as to each item of the custodial property when the custodian resigns, dies or becomes legally incapacitated, and the custodian or his legal representative:

(a) causes the item, if it is a security in registered form or a life insurance policy or annuity contract, to be registered, with the issuing insurance company, in the case of a life insurance policy or annuity contract, in the name of the successor custodian followed, in substance, by the words: 'as custodian for _____

(name of minor)

under the Uniform Gifts to Minors Act'; and

(b) delivers or causes to be delivered to the successor custodian any other item of the custodial property, together with the instrument of designation of the successor custodian or a true copy thereof, and any additional instruments required for the transfer thereof to the successor custodian.

(3) A custodian who executes an instrument of designation of his successor containing the custodian's resignation as provided in Subsection (1) shall promptly do all things within his power to put each item of the custodial property in the possession and control of the successor custodian named in the instrument. The legal representative of a custodian who dies or becomes legally incapacitated shall promptly do all things within his power to put each item of the custodial property in the possession and control of the successor custodian named in an instrument of designation executed as provided in Subsection (1) by the custodian or, if none, by the minor if he has no guardian and has attained the age of fourteen years, or in the possession and control of the guardian of the minor if he has a guardian. If the custodian has executed as provided in Subsection (1) more than one instrument of designation, his legal representative shall treat the instrument dated on an earlier date as having been revoked by the instrument dated on a later date.

(4) If a person designated as custodian or as successor custodian by the custodian as provided in Subsection (1) is not eligible, dies or becomes legally incapacitated before the minor attains the age of twenty-one years and if the minor has a guardian, the guardian of the minor shall be successor custodian. If the minor has no guardian and if no successor custodian who is eligible and has not died or become legally incapacitated has been designated as provided in Subsection (1), a donor, his legal representative, the legal representative of the custodian or an adult member of the minor's family may petition the court for the designation of a successor custodian.

(5) A donor, the legal representative of a donor, a successor custodian, an adult member of the minor's family, a guardian of the minor or the minor, if he has attained the age of fourteen years, may petition the court that, for cause shown in the petition, the custodian be removed and a successor custodian be designated or, in the alternative, that the custodian be required to give bond for the performance of his duties.

(6) Upon the filing of a petition as provided in this section, the court shall grant an order, directed to the persons and returnable on such notice as the court may require, to show cause why the relief prayed for in the petition should not be granted and, in due course, grant such relief as the court finds to be in the best interests of the minor."

SECTION 7. Section 62-412 added—not to affect prior gifts.—The Code of Laws of South Carolina, 1962, is amended by adding the following section:

“Section 62-412. No amendment to this chapter shall be construed to adversely affect any gift legally made under its provisions in effect prior to the amendment.”

SECTION 8. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 16th day of May, 1966.

(R1220, S667)

No. 1031

An Act To Amend Section 2-285, Code Of Laws Of South Carolina, 1962, As Amended, Relating To The Sale Of Property By The Walterboro-Colleton County Airport Commission, So As To Authorize The Commission To Convey Real Property For Use As A Railroad Right Of Way Without First Having The Property Appraised To Establish A Minimum Sales Price, And To Repeal Section 2-287 Of The 1962 Code, Providing Certain Prerequisites To The Sale Of Property By The Commission.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 2-285 amended—property of Walterboro—Colleton Airport Commission.—Section 2-285 of the 1962 Code, as amended, is further amended so as to delete the requirement that property sold by the Walterboro-Colleton County Airport Commission for use as a railroad right of way be first appraised and sold for no less than the appraised value by adding the following proviso at the end thereof: “*Provided*, further, that the commission may sell real property for use as a railroad right of way without having the value of such property appraised by two competent disinterested appraisers and without limiting the minimum sales price to the amount of the appraised value.” The section when amended shall read as follows:

“Section 2-285. All real, personal and mixed property acquired from the United States of America shall be maintained intact for the uses and purposes for which it was purchased. But if the Walterboro-Colleton County Airport Commission shall by appropriate re-

solution determine that any of such real or personal property or buildings or structures thereon are surplus to the needs for the purposes of this article and there are no restrictions on the use or disposal of such real or personal property under the deeds of the United States of America, the Commission may, after an appraisal of the value of such property by two competent disinterested appraisers, sell, dispose, transfer and convey any such real, personal or mixed property and give a good and valid title therefor and may sell the land, buildings and structures either at public auction or by sealed bids or by negotiated private sale for sums not less than the appraised value, after having given reasonable notice of the availability of such real, personal or mixed property for purchase. *Provided*, that whenever the Colleton County Resources and Development Board advises the Commission that a desirable industry wishes to locate a facility upon properties owned by the Commission and that the establishment of the industry will be economically beneficial to the citizenry of the county, the Commission may sell any of its surplus property for such industry purposes without having it appraised and for such amount and under such terms as it deems advisable. *Provided*, further, that the Commission may sell real property for use as a railroad right of way without having the value of such property appraised by two competent disinterested appraisers and without limiting the minimum sales price to the amount of the appraised value."

SECTION 2. **Section 2-287 repealed.**—Section 2-287 of the 1962 Code is repealed.

SECTION 3. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 14th day of May, 1966.

(R1221, S680)

No. 1032

An Act To Amend Section 65-1522, Code Of Laws Of South Carolina, 1962, As Amended, Relating To General Exemptions From Taxes, So As To Exempt Property Of The University Of South Carolina Educational Foundation.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 65-1522 amended—tax exemption for University of S. C. Educational Foundation.—Section 65-1522, Code of Laws of South Carolina, 1962, as amended, is further amended by adding the following new item so as to exempt property of the University of South Carolina Educational Foundation from taxes:

“() All property of the University of South Carolina Educational Foundation, not used or operated for profit, shall be exempt from all State, county, school, municipal and special taxes. Such exemption shall cease upon the receipt of any income from such property by lease or otherwise.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 14th day of May, 1966.

(R1222, S716)

No. 1033

An Act To Amend Section 68-207, As Amended, And Sections 68-1, 68-12, 68-13, 68-22, 68-69, 68-70, 68-71, 68-161, 68-162, 68-176, 68-178, 68-179, 68-181, 68-185, 68-185.1, 68-188, 68-201, And 68-205, Code Of Laws Of South Carolina, 1962, Relating To The South Carolina Unemployment Compensation Law, So As To Change The Name Of Such Law; And To Provide For Certain Procedural And Technical Changes; And To Repeal Sections 68-180, 68-182, 68-183, 68-184 And 68-189, Code Of Laws Of South Carolina, 1962, Relating To Unemployment Compensation.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 68-1 amended—citation of title.—Section 68-1, Code of Laws of South Carolina, 1962, is amended by striking “Unemployment Compensation” and inserting in lieu “Employment Security”. When amended the section shall read as follows:

“Section 68.1. This Title shall be known and may be cited as the ‘South Carolina Employment Security Law.’ ”

SECTION 2. Section 68-12 amended—employer defined.—Section 68-12, Code of Laws of South Carolina, 1962, is amended by striking it out and inserting in lieu thereof the following:

“Section 68-12. ‘Employer’ means:

(1) Any employing unit which, in each of twenty different weeks, whether or not such weeks are or were consecutive, within either the

current or the preceding calendar year has or had in employment four or more individuals, irrespective of whether the same individuals are or were employed in each such week. For the purpose of this section, active officers of a corporation shall be counted as in employment.

(2) Any employing unit which acquired substantially all of the business of another which at the time of such acquisition was an employer subject to this Title and continues such acquired business; *provided, however*, that if only a part of the business of another is acquired the employing unit acquiring such part shall not be deemed an employer unless such part, if conducted separately, would have been liable as an employer under this Title.

(3) Any employing unit which acquired substantially all the business of another employing unit, if the employment record of such employing unit subsequent to such acquisition, together with the employment record of the acquired business prior to such acquisition, both within the same calendar year, will be sufficient to constitute such employing unit an employer subject to this Title under item (1) of this section; *provided, however*, that if only a part of the business of another is acquired by an employing unit, the employment record of such part prior to acquisition shall be considered and not the whole employment record of the business from which such part was acquired, as if such part was conducted separately.

(4) Any employing unit which has elected to become fully subject to this Title pursuant to Section 68-252.

(5) Any employing unit which, having become an employer under item (1), (2), (3) or (4) of this section has not, under Section 68-253, ceased to be an employer subject to this Title."

SECTION 2-A. Section 68-13 amended — employing unit defined.—Section 68-13, Code of Laws of South Carolina, 1962, is amended in the first paragraph by striking the word "tax" on line two and inserting in lieu thereof the word "any". When amended the paragraph shall read as follows:

"*'Employing unit'* means any individual or type of organization, including any partnership, association, trust, estate, joint-stock company, insurance company or corporation, whether domestic or foreign, or the receiver, trustee in bankruptcy, trustee or successor thereof or the legal representative of a deceased person, which has, or subsequent to January 1, 1935 has had, in its employ one or more individuals performing services for it within this State."

SECTION 3. Item (2)(a) of Section 68-22 amended—not to be included as wages.—Item (2) (a) of Section 68-22, Code of Laws of South Carolina, 1962, is amended by striking it out and inserting in lieu thereof the following:

“(a) That part of remuneration which, after remuneration equal to three thousand dollars has been paid to an individual by an employer during any calendar year, is paid to such individual by such employer during such calendar year. If an employer (hereinafter referred to as the successor employer) during any calendar year acquired substantially all of the business or a separate, segregable, identifiable, and severable portion of the business of another employer (hereinafter referred to as the predecessor employer), and immediately after the acquisition employs in his business an individual who immediately prior to the acquisition was employed in the business or separate and severable portion thereof, then for the purpose of determining whether the successor employer had paid remuneration equal to three thousand dollars to such individual during such calendar year, any remuneration paid to such individual by such predecessor during such calendar year and prior to such acquisition shall be considered as having been paid by such successor employer.”

SECTION 4. Section 68-69 amended—powers concerning oaths, depositions and subpoenas.—Section 68-69, Code of Laws of South Carolina, 1962, is amended by striking the words beginning on line two “, the chairman of an appeal tribunal and any duly authorized representative of either” and inserting in lieu thereof the words “or any duly authorized representative thereof”. When amended the section shall read as follows:

“Section 68-69. In the discharge of the duties imposed by this Title the Commission or any duly authorized representative thereof as designated by its rules may administer oaths and affirmations, take depositions, certify to official acts and issue subpoenas to compel the attendance of witnesses and the production of books, papers, correspondence, memoranda and other records deemed necessary as evidence in connection with a disputed claim or the administration of this Title.”

SECTION 5. Section 68-70 amended—self-incriminating testimony.—Section 68-70, Code of Laws of South Carolina, 1962, is amended by striking on line three “the chairman of”. When amended the section shall read as follows:

“Section 68-70. No person shall be excused from attending and testifying or from producing books, papers, correspondence, memoranda or other records before the Commission, an appeal tribunal or any duly authorized representative of either of them or in obedience to the subpoena of either of them in any cause or proceeding before the Commission or an appeal tribunal on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture. But no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he is compelled, after having claimed his privilege against self incrimination, to testify or produce evidence, documentary or otherwise, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.”

SECTION 6. Section 68-71 amended—penalties for failure to obey subpoena.—Section 68-71, Code of Laws of South Carolina, 1962, is amended by striking it out and inserting in lieu thereof the following:

“Section 68-71. (1) In case of contumacy by any person or refusal to obey a subpoena issued to any person, any court of this State or judge thereof within the jurisdiction of which such person guilty of contumacy or refusal to obey is found, resides, or transacts business, upon application by the Commission or any duly authorized representative may issue to such person an order requiring him to appear before the Commission or any duly authorized representative there to produce evidence if so ordered or to give testimony touching the matter under investigation or in question. Any failure to obey an order of the court may be punished as a contempt thereof.

(2) Any person who shall, without just cause, fail or refuse to attend and testify, to answer any lawful inquiry or to produce books, papers, correspondence, memoranda and other records, if it is in his power to do so in accordance with a subpoena of the Commission or any duly authorized representative shall be punished by a fine of not less than twenty nor more than two hundred dollars or by imprisonment for not more than thirty days. Each failure to obey a subpoena shall constitute a separate offense.”

SECTION 7. Section 68-161 amended—review of appeal tribunal decisions.—Section 68-161, Code of Laws of South Carolina,

1962, is amended by striking on line seven "which is not unanimous". When amended the section shall read as follows:

"Section 68-161. The Commission may on its own motion affirm, modify or set aside any decision of an appeal tribunal on the basis of the evidence previously submitted in such case or direct the taking of additional evidence or may permit any of the parties to such decision to initiate further appeals before it. The Commission shall permit such further appeal by any of the parties to a decision of an appeal tribunal and by the examiner whose decision has been overruled or modified by an appeal tribunal. The Commission may remove to itself or transfer to another appeal tribunal the proceedings on any claim pending before an appeal tribunal. Any proceedings so removed to the Commission shall be heard by a quorum thereof in accordance with the requirements of Sections 68-159 and 68-162. The Commission shall promptly notify the parties to any proceeding of its findings and decision."

SECTION 8. Section 68-162 amended—conduct of appealed claims.—Section 68-162, Code of Laws of South Carolina, 1962, is amended by striking between the words "but" and "not" on line eight the word "need" and inserting in lieu thereof "shall". When amended the section shall read as follows:

"Section 68-162. The manner in which appealed claims shall be presented and the conduct of hearings and appeals shall be in accordance with regulations prescribed by the Commission for determining the rights of the parties, whether or not such regulations conform to common law or statutory rules of evidence and other technical rules of procedure. A full and complete record shall be kept of all proceedings in connection with an appealed claim. All testimony at any hearing upon an appealed claim shall be recorded, but shall not be transcribed unless the claim is further appealed."

SECTION 9. Section 68-176 amended—statewide reserve ratio—increase in ratio if ratio less than five per cent.—Section 68-176, Code of Laws of South Carolina, 1962, is amended by striking the words "by the following" on line seventeen and inserting in lieu thereof "as follows". When amended the section shall read as follows:

"Section 68-176. A State-wide reserve ratio shall be computed once each year by adding to the total unemployment compensation fund on June thirtieth all contributions and interest received on or before July thirty-first and dividing the result so obtained by the

sum of the total wages reported by employers on all contribution reports received by the Commission during the twelve-month period ending September thirtieth. Any amount credited to the State's account under Section 903 of the Social Security Act, as amended, which has been appropriated for expenses of administration, whether or not withdrawn from the trust fund, shall be excluded from the unemployment fund balance in computing the State-wide reserve ratio. When the State-wide reserve ratio computed during any calendar year equals or exceeds five per cent, contribution rates applicable to the following calendar year shall be computed in accordance with Sections 68-174 and 68-175. When the State-wide reserve ratio computed during any calendar year is less than five per cent, all contribution rates applicable to the following calendar year shall be increased over those computed in accordance with Sections 68-174 and 68-175 as follows:

(1) Thirty-five hundredths of one per cent if the State-wide reserve ratio equals or exceeds four and one half per cent but is less than five per cent;

(2) Seven-tenths of one per cent, if the State-wide reserve ratio equals or exceeds four per cent but is less than four and one half per cent; and

(3) One and five hundredths per cent, if the State-wide reserve ratio is less than four per cent.

But this section shall not apply to any employer whose rate is more than two and seven-tenths per cent, and no employer's rate shall exceed two and seven-tenths per cent by reason of the application of this section."

SECTION 10. Section 68-178 amended—persons acquiring established business to be employers.—Section 68-178, Code of Laws of South Carolina, 1962, is amended by striking on line four the words "or the assets thereof" and by adding at the end thereof the following: "For the purposes of this Title the term 'substantially all' shall be deemed to mean ninety-five per cent or more of the business as determined by the Commission in a particular case." When amended the section shall read as follows:

"Section 68-178. Any person or other legal entity who acquires by purchase, merger, consolidation, devise, inheritance or other means substantially all of the business of any employer and continues such acquired business shall be deemed to be a successor to the predecessor from whom such business was acquired for the purpose of this

article and, if not already an employer prior to such acquisition, shall become an employer on the date of such acquisition and shall succeed to the employment benefit experience record of the predecessor. The Commission shall prescribe by regulation the notice to be given of such acquisition. For the purposes of this Title the term 'substantially all' shall be deemed to mean ninety-five per cent or more of the business as determined by the Commission in a particular case."

SECTION 11. Section 68-179 amended—contribution rates of successors.—Section 68-179, Code of Laws of South Carolina, 1962, is amended by striking it out and inserting in lieu thereof the following:

"Section 68-179. Whenever any person or other legal entity has in any manner succeeded to or has acquired substantially all or a distinct and severable portion of the business of another, as provided in Section 68-178 and 68-181, the rates of contributions shall be computed as follows: If the successor is not already an employer at the time of such acquisition, the rate of contributions applicable to the predecessor employer with respect to the period immediately preceding the date of acquisition shall apply to the successor employer for the quarter in which the succession takes place should there be only one transferring employer or should all transferring employers have identical rates, but if there are several transferring employers with different rates the successor shall be assigned the rate of that transferring employer who has the highest rate. If the successor is already an employer at the time of such acquisition the rate of contributions applicable at the time of the acquisition to such successor employer shall continue to be applicable until the end of the quarter in which the succession occurs. In either case such rate shall continue in effect until the first day of the next calendar quarter immediately following such acquisition, at which time the Commission shall compute a rate based upon the combination of that portion of the employment benefit experience record acquired from the predecessor with the employment benefit experience record of the successor, subject to the provisions of this article which rate shall be applicable to the successor from the first day of such quarter until the next computation date under Section 68-175. All rates thereafter shall be computed upon the basis of such combined employment benefit experience record."

SECTION 12. Section 68-181 amended—successors to part of established business.—Section 68-181, Code of Laws of South Carolina, 1962, is amended by adding at the end thereof the following: “*Provided, however,* no partial transfer of any employment benefit experience record shall be made unless a request is entered therefor by both the predecessor and the successor employer. The Commission shall prescribe by regulation a period within which notification of such acquisition shall be given and the method by which the experience to be transferred shall be computed.” When amended the section shall read as follows:

“Section 68-181. In the event that any person acquires by purchase, merger, consolidation, devise, inheritance or otherwise, a distinct, severable, identifiable and segregable part of the business of an employer and continues such an acquired part of the business of the predecessor, the successor shall succeed to that portion of the employment benefit experience record of the predecessor which is attributable solely to the portion of the business which was acquired, except that such a succession to the reserve account attributable to an identifiable portion of the business of the predecessor shall not occur unless the successor is an employer at the time of the acquisition or becomes an employer within the quarter in which the succession occurs. *Provided, however,* no partial transfer of any employment benefit experience record shall be made unless a request is entered therefor by both the predecessor and the successor employer. The Commission shall prescribe by regulation a period within which notification of such acquisition shall be given and the method by which the experience to be transferred shall be computed.”

SECTION 13. Section 68-185 amended—adjustments in lieu of refunds.—Section 68-185, Code of Laws of South Carolina, 1962, is amended by striking on line one “68-181 to 68-184” and inserting in lieu thereof “68-179 to 68-181”. When amended the section shall read as follows:

“Section 68-185. Nothing in Sections 68-179 to 68-181 shall be construed to authorize or require the refund of any sums lawfully paid into the unemployment compensation trust fund or to use otherwise any of such sums except to pay unemployment compensation benefits. But the Commission may make the necessary adjustments in conformity with the provisions of this law by deductions of future contribution payments as though such payments or assessments had been made erroneously by any person coming within the provisions of said sections.”

SECTION 14. Section 68-185.1 amended—no transfer of experience rating accounts unless taxes paid.—Section 68-185.1, Code of Laws of South Carolina, 1962, is amended by adding at the end thereof the following: “*Provided, however,* that if the experience rating account of the predecessor employer shall contain a debit balance (excess of total benefits charged over total contributions paid), the experience rating account of the predecessor employer shall in any event be transferred to the successor employer in accordance with the provisions of Sections 68-178 and 68-181.” When amended the section shall read as follows:

“Section 68-185.1. No transfer of experience rating accounts, in whole or in part, shall be permitted under the provisions of Sections 68-178 to 68-185 unless all unemployment compensation taxes based on wages paid by the transferring employer prior to the date of the transfer shall be paid by the transferring employer when due or assumed by the acquiring employer. *Provided, however,* that if the experience rating account of the predecessor employer shall contain a debt balance (excess of total benefits charged over total contributions paid), the experience rating account of the predecessor employer shall in any event be transferred to the successor employer in accordance with the provisions of Sections 68-178 and 68-181.”

SECTION 15. Section 68-188 amended—reports to employers—protests.—Section 68-188, Code of Laws of South Carolina, 1962, is amended by striking it out and inserting in lieu thereof the following:

“Section 68-188. The Commission shall report semiannually to any employer upon his written request therefor the status of his account showing his reserve balance at the beginning of the period, total contributions he has made and total charges against it for benefits paid during the semiannual period, and his reserve balance at the end of such period. The Commission shall provide for notifying such employer when benefit payments begin for any claimant which are to be charged against the employer’s account whereupon such employer shall be charged with notice that such employee will draw benefits. No employer may contest any charge against his account or the status of his account unless he makes protest within fifteen days after such notice has been mailed by the Commission.”

SECTION 16. Section 68-201 amended—contributions—accrual of—when payable—not to be deducted from wages.—Section 68-201, Code of Laws of South Carolina, 1962, is amended by adding at the end thereof the following: “*Provided, however,* no determina-

tion and assessment of contributions, interest, or penalties shall be made, and no action for the collection of contributions, interest, and penalties shall be instituted more than four years after the last day of the month immediately following the calendar quarter for which such contributions, interest or penalties were payable. *Provided, further*, that this proviso shall not apply to any employer if the Commission finds that the employer willfully failed to report, when required to do so by the provisions of this law or the rules and regulations of the Commission, or has knowingly made a false statement or has intentionally failed to disclose a material fact." When amended the section shall read as follows:

"Section 68-201. Contributions shall accrue and become payable by each employer for each calendar year in which he is subject to this Title with respect to wages for employment. Such contributions shall become due and be paid by each employer to the Commission for the fund in accordance with such regulations as the Commission may prescribe and shall not be deducted, in whole or in part, from the wages of individuals in such employer's employ. *Provided, however*, no determination and assessment of contributions, interest, or penalties shall be made, and no action for the collection of contributions, interest, and penalties shall be instituted more than four years after the last day of the month immediately following the calendar quarter for which such contributions, interest or penalties were payable. *Provided, further*, that this proviso shall not apply to any employer if the Commission finds that the employer willfully failed to report, when required to do so by the provisions of this law or the rules and regulations of the Commission, or has knowingly made a false statement or has intentionally failed to disclose a material fact."

SECTION 17. Section 68-205 amended—adjustments and refunds.—Section 68-205, Code of Laws of South Carolina, 1962, is amended by striking on line ten the words ", with interest,". When amended the section shall read as follows:

"Section 68-205. If, not later than four years after the date on which any contributions or interest thereon became due, an employer who has paid such contributions or interest thereon shall make application for an adjustment thereof in connection with subsequent contribution payments or for a refund thereof because such adjustment cannot be made and the Commission shall determine that such contributions or interest or any portion thereof was erroneously

collected, the Commission shall make an adjustment thereof, without interest, in connection with subsequent contribution payments by him or, if such adjustment cannot be made, shall refund such amount from the fund. For like cause and within the same period an adjustment or refund may be so made on the Commission's own initiative.

A refund or adjustment will be made in any case where the Commission finds that contributions or interest were erroneously paid by an employing unit to this State upon wages earned by individuals in employment in another state. Such refund or adjustment will be made upon satisfactory proof to the Commission that the payment of such contributions or interest has been made to such other state."

SECTION 18. Section 68-207 amended—lien for contributions.—Section 68-207, as amended, Code of Laws of South Carolina, 1962, is amended by striking it out and inserting in lieu thereof the following:

"Section 68-207. The contributions, interest, penalties, and costs prescribed in this chapter shall be deemed taxes owing the State by the persons against whom they shall be charged, and shall be a lien upon the real property or chattels of the person by whom such contributions are due, only after the warrant described in Section 68-208 shall be indexed as prescribed in Section 68-209."

SECTION 19. Sections 68-180, 68-182, 68-183, 68-184 and 68-189 repealed.—Sections 68-180, 68-182, 68-183, 68-184 and 68-189, Code of Laws of South Carolina, 1962, are repealed.

SECTION 20. Time effective.—This act shall take effect July 1, 1966.

Approved the 14th day of May, 1966.

An Act To Amend Section 5 Of Act No. 243 Of 1963, As Amended, Relating To Distribution Of Cost Of Construction Of The Piedmont Technical Education And Training Center, So As To Provide For Funds For The Payment Of General Obligation Bonds Of The Piedmont Technical Education Commission.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 5 of Act 243 of 1963 amended—distribution of costs—tax levies.—Section 5 of Act No. 243 of 1963, as amended, is further amended by striking it in its entirety and inserting in lieu thereof the following:

“Section 5. The participating counties who are members of the Piedmont Technical Education and Training District shall appropriate and contribute annually to the Piedmont Technical Education Commission funds sufficient to enable the Commission to pay its general obligation bond indebtedness in the following proportionate amounts:

Abbeville County	18%
McCormick County	6.4%
Saluda County	7.6%
Greenwood County	68%

In addition, Greenwood County shall provide without cost to the Commission a suitable site for the center.

The provisions of this section are not intended to lessen or diminish in any manner the provisions of Section 11 of Act No. 1128 of 1964, as amended, wherein and whereby the Comptroller General of South Carolina was directed to levy, and the Treasurers of the counties comprising the District were directed to collect, ad valorem taxes upon all taxable property within the District sufficient to meet the payment of the principal and interest of the bonds authorized by Act 1128 of 1964, as amended, it being merely intended that inter sese the obligation of the several counties comprising the District shall exist on the basis of the provisions of this section. *Provided*, that if, prior to the occasion in any calendar year when the Comptroller General is required to impose the tax levy to meet the payment of the principal and interest of the bonds, he shall be notified in writing by the financial institution named to act as paying agent of the principal and interest of the bonds that it has on hand, applicable to the payment of the principal and interest of the bonds, the moneys that would otherwise be raised by the tax levy. In such event, the Comptroller General need not impose the tax levy for such year.

Nor is it intended that the provisions of this section constitute any inducement to the enactment of Act No. 1128 of 1964, as amended by Act No. 496 of 1965, and if it shall be held that the provisions of this section are invalid, such a holding shall in no way affect or disturb the power of the Commission to issue bonds pursuant to Act 1128 of 1964, as amended by Act 496 of 1965, nor the powers of the officers named in Section 11 thereof to levy and collect the tax therein prescribed.

Nor are the provisions of this section intended to be a matter of essential inducement to the enactment of Act 243 of 1963, as now amended.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 14th day of May, 1966.

(R1225, S745)

No. 1035

An Act To Amend Section 61-41.2, Code Of Laws Of South Carolina, 1962, Which Provides That Certain Hospital Employees May Or May Not Participate In The South Carolina Retirement System, So As To Include Nurses And To Change The Date Such Employees May Withdraw From The System.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 61-41.2 amended—certain hospital employees have option to join system.—Section 61-41.2, Code of Laws of South Carolina, 1962, is amended by inserting “nurse,” between “of” and “relief” on lines two and three, and by striking “1964” on the last line of the section and inserting in lieu thereof “1966”. The section when amended shall read as follows:

“Section 61-41.2. Any person employed by a hospital which is an employer under the System by application, in the capacity of nurse, relief nurse, nurses aide, orderly, maid, houseman, kitchen or dining room helper, or laundry helper, may elect to become, or not to become, a member of the South Carolina Retirement System, if such option is exercised within thirty days after he enters upon the discharge of his duties.

Provided, that any member of the System employed in such capacity may withdraw from the System and forfeit all his rights of membership by signing a nonelection blank and applying for a refund of his contributions, provided he takes such action on or before June 30, 1966.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 14th day of May, 1966.

(R1227, S703)

No. 1036**An Act To Repeal Article 8 Of Chapter 7, Of Title 71, Code Of Laws Of South Carolina, 1962, Relating To The Richland County Children's Home.**

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Article 8, Chapter 7 of Title 71 repealed.—Article 8 of Chapter 7 of Title 71, Code of Laws of South Carolina, 1962, is hereby repealed.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 14th day of May, 1966.

(R1229, H1228)

No. 1037**An Act To Create The South Carolina Recreation Commission.**

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Definitions.—For the purposes of this act:

(1) "Recreation" means those activities for all ages which are diversionary in character and which aid in promoting better citizenship, a reduction of crime, delinquency and anti-social tendencies through the development of leisure time programs of physical, mental, and cultural character.

(2) "Commission" means the South Carolina Recreation Commission.

(3) "Committee" means the Advisory Recreation Committee.

SECTION 2. S. C. Recreation Commission created—members—appointments — terms — officers — meetings — compensation.—There is hereby created the South Carolina Recreation Commission which shall consist of one member from each Congressional District to be appointed by the Governor; and the Governor, the Chairman of the Committee, the President of the South Carolina Recreation Society, the Director of the State Development Board, the Director of the Forestry Commission, the Director of the Wildlife Resources Department, and the General Manager of the South Carolina Public Service Authority, who shall serve as ex-officio members.

The members of the commission shall serve for four years and until their successors are appointed and qualify, except of the initial appointees, two shall be appointed for terms of four years, two shall be appointed for terms of three years, one shall be appointed for a term of two years, and one shall be appointed for a term of one year. Vacancies shall be filled by the Governor for the unexpired portion of the terms only. All ex-officio members shall serve on the commission only while holding their offices.

The Governor shall appoint persons, insofar as possible, who understand the recreation interests of rural areas, municipalities, private membership groups and commercial enterprises. The commission shall elect one member to act as chairman, and such other officers as it deems necessary. A majority of the commission shall constitute a quorum.

The commission shall meet quarterly in January, April, July, and October, on a date to be fixed by the chairman, and at such other times as the chairman may deem necessary. The members of the commission shall serve without compensation but shall be allowed the usual per diem, mileage and subsistence as provided by law for members of boards, commissions and committees, but shall not be paid for more than three days for any one meeting.

SECTION 3. Duties.—It shall be the duty of the commission:

(1) To study and appraise recreation needs of the State and to assemble and disseminate information relative to recreation.

(2) To cooperate upon request in the promotion and organization of local recreation systems for counties, municipalities, and other political subdivisions of the State, and to aid them in designing and laying out recreation areas and facilities, and to advise them in the planning and financing of recreation programs.

(3) To aid in recruiting, training, and placing recreation workers, and to promote recreation institutes and conferences.

(4) To establish and promote recreation standards.

(5) To cooperate with State and Federal agencies, the Recreation Advisory Committee; private groups, and with commercial and industrial recreation interests, in the promotion of recreation opportunities.

(6) To submit an annual report of its activities to the Governor.

SECTION 4. Powers.—The commission is hereby authorized:

(1) To make rules and regulations for the proper administration of its duties.

(2) To accept gifts, grants, bequests, devises, and endowments. The funds, if given as an endowment, shall be invested in such securities as designated by the donor, or, if there is no designation, in those in which the State Sinking Fund may be invested. All such gifts, bequests, devises, and all proceeds from such invested endowments shall be used for carrying out the purposes for which they are made.

(3) To administer all funds available to the commission.

(4) To act jointly, when advisable, with any other state agency, institution, department, board or commission, in order to carry out the commission's objectives and responsibilities. No activity of the commission, however, shall be allowed to interfere with the work of any other agency.

(5) To serve as the recreation coordinative and advisory agency for the Governor, the General Assembly, and the agencies and departments of State Government when the use of Federal Funds for recreation purposes are contemplated, are requested, or are made available for use in South Carolina.

(6) To employ an executive director, and, upon the recommendation of the executive director, such other persons as may be needed to carry out the provisions of this act. The executive director shall act as secretary to the commission.

SECTION 5. Appropriation.—In order to carry out the provisions of this act there is hereby appropriated from the General Fund of the State, the sum of twenty-nine thousand six hundred seventy-five dollars for the initial year of operation. Thereafter, the commission shall receive such appropriations as may be provided in the State General Appropriations Act. This initial fund shall be expended as follows:

A. Personal Service:

A-1. *Salaries:*

Director	\$ 10,000.00
Secretary	4,100.00
Clerical (part-time)	800.00

Total

A-2. *Wages:*

Janitor	\$ 500.00
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Total

A-3. Special Payments:	
Per Diem and Travel for Commissioners	\$ 1,200.00
Total	\$ 1,200.00
B. Contractual Services:	
B-2. Travel	\$ 1,455.00
Total	\$ 1,455.00
B-3. Telephone and Telegraph	\$ 900.00
Total	\$ 900.00
B-5. Printing and Advertisement	\$ 1,200.00
Total	\$ 1,200.00
C. Supplies:	
C-4. Office Supplies	\$ 900.00
Total	\$ 900.00
C-7. Educational Supplies	\$ 900.00
Total	\$ 900.00
D. Fixed Charges and Contributions:	
D-1. Rent	\$ 2,040.00
Total	\$ 2,040.00
D-2. Insurance	\$ 100.00
Total	\$ 100.00
D-3. Contributions and Dues	\$ 200.00
Total	\$ 200.00
G. Equipment:	
G-1. *Office Equipment	\$ 4,530.00
Total	\$ 4,530.00
G-7. *Educational Equipment	\$ 850.00
Total	\$ 850.00
GRAND TOTAL	\$ 29,675.00

* Non-recurring.

SECTION 6. Time effective.—This act shall take effect July 1, 1966.

Approved the 14th day of May, 1966.

(R1230, H1952)

No. 1038

An Act To Amend Section 19-264.1, Code Of Laws Of South Carolina, 1962, Relating To The Filing Of Wills In Every County Wherein Testator Owned Real Estate, So As To Require A Like Filing Of Certain Documents Relating To Such Real Estate; And To Provide That, In The Case Of Intestate Estates, There Shall Be Filed In The Probate Court Of Every County Wherein The Decedent Owned Real Estate Certain Documents Relating To Such Real Estate.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 19-264.1 amended—copy of will to be filed in every county where testator owned property.—Section 19-264.1, Code of Laws of South Carolina, 1962, is amended by changing the period at the end of the first sentence to a comma and adding: “and a certified copy of the final discharge of executor or administrator.” The section when amended shall read as follows:

“Section 19-264.1. When any last will or testament is filed with the probate court having jurisdiction a certified copy of same shall likewise be filed with the judge of probate of every county of the State where the deceased owned real estate, and a certified copy of the final discharge of executor or administrator. The legal representative of the estate shall not be discharged until showing is made to the satisfaction of the court that the provisions of this section have been complied with.”

SECTION 2. Certain filing required in intestate estates.—When the administration of any intestate estate is commenced in a probate court having jurisdiction thereof there shall be filed with the judge of probate of every county of the State wherein the intestate owned real estate, a certified copy of (a) the petition for letters of administration, (b) the order appointing the administrator, and (c) the final discharge of administrator. The legal representative of the estate shall not be discharged until showing is made to the satisfaction of the court that the provisions of this section have been complied with.

SECTION 3. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 14th day of May, 1966.

(R1232, H2633)

No. 1039

An Act To Amend Act 77 Of 1965, Relating To The Issuance Of Construction Permits In Kershaw County, So As To Provide That Such Permits In DeKalb Township Shall Be Issued By The Tax Assessor Or The Auditor.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 1 of Act 77 of 1965 amended—construction permits required in Kershaw County.—Section 1 of Act 77 of 1965 is amended on line five by inserting “*Provided*, that in DeKalb Township such applications shall be filed with and granted by the tax assessor or the auditor;” after the word “improvement” and by inserting the word “further,” between “provided” and “that”. The section when amended shall read as follows:

“Section 1. It shall be unlawful for any person to construct or improve any building at a cost in excess of five hundred dollars, in Kershaw County, unless an application has been filed with and a permit granted by the tax assessor, or a magistrate for such construction or improvement; *provided*, that in DeKalb Township such applications shall be filed with and granted by the tax assessor or the auditor; *provided*, further, that no application or permit shall be required for construction or improvement of buildings situate within any incorporated municipality which requires a permit therefor.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 14th day of May, 1966.

(R1233, H2643)

No. 1040

An Act To Amend Sections 14-400.621 Through 14-400.624, Code Of Laws Of South Carolina, 1962, Relating To The Regulation Of Building Construction In Any County Containing A City With A Population Of Over Ninety-Seven Thousand, So As To Delete The Provisions Allowing The Issuing Of Building Permits By Magistrates And Authorizing The Appointment Of A Building Inspector, And To Provide For The Appointment Of A Building Permit Inspector; And To Amend The Code Of Laws Of South Carolina, 1962, By Adding Section 65-3645.7A, So As To Afford The Tax Assessor Of Richland County An Opportunity To Appear Before The Board Of Assessment Appeals Upon Appeals.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 14-400.621 amended—construction permits required in certain counties.—Section 14-400.621 of the 1962 Code is amended by striking it and inserting in lieu thereof the following :

“Section 14-400.621. It shall be unlawful for any person to erect or construct any improvements on real estate, which cost in excess of one thousand dollars, in any county containing a municipality with a population of more than ninety-seven thousand, according to the latest official United States census, unless an application has been filed with and a permit granted by the county auditor to erect or construct such improvements; *provided*, that no application or permit shall be required for such improvements upon real estate situate within any incorporated municipality, which requires a permit for the erection or construction of such improvements.”

SECTION 2. Section 14-400.622 amended—application for permit.—Section 14-400.622 of the 1962 Code is amended by striking it and inserting in lieu thereof the following :

“Section 14-400.622. The auditor shall prepare and furnish application forms, which shall show information to be of assistance to him in locating the real estate on which such improvements or construction are to be made and in checking tax returns. Such information shall include, but shall not be limited to, the following :

- (1) Name of owner of the real estate;
- (2) School district;
- (3) Street number or road and rural post office box number;

- (4) Estimated cost of construction ;
- (5) Estimated total floor area in square feet ;
- (6) Type of construction ;
- (7) Type of roof ;
- (8) Number of stories ;
- (9) Number of rooms ;
- (10) Use to be made of improvements ;
- (11) Width of right of way of street ; and
- (12) Approximate distance from the limits of the nearest municipality."

SECTION 3. Section 14-400.623 amended—issuance of permit.—Section 14-400.623 of the 1962 Code is amended by striking it and inserting in lieu thereof the following :

"Section 14-400.623. The auditor shall issue the permit upon the applicant's paying a fee of two dollars when the construction will cost less than two thousand five hundred dollars or five dollars when the construction will cost more than two thousand five hundred dollars. The permit shall be numbered and a card issued to be posted on the real estate on which the construction or improvements are to be made. The permit shall be made in duplicate and the original shall be filed with the county auditor."

SECTION 4. Section 14-400.624 amended—building permit inspector may be appointed.—Section 14-400.624 of the 1962 Code is amended by striking it and inserting in lieu thereof the following :

"Section 14-400.624. The auditor may appoint, subject to the approval of at least one-half of the county legislative delegation, including the Senator, a building permit inspector who may issue permits upon application and retain one-half of the fee collected for issuing such permits, and remit the remaining one-half to the county treasurer on or before the tenth day of the succeeding month."

SECTION 5. Section 65-3645.7A added—tax assessor of Richland County may appear concerning appeals.—The Code of Laws of South Carolina, 1962, is amended by adding Section 65-3645.7A, which shall read as follows :

"Section 65-3645.7A. Upon appeal by a property owner and taxpayer to the Richland County Board of Assessment Appeals from any appraisal of the property of such person for assessment purposes by the Richland County Board of Assessment Control, the Tax Assessor for Richland County shall be afforded an opportunity to appear before

the board of assessment appeals in order to show why, in his opinion, the appraisal is justified.”

SECTION 6. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 14th day of May, 1966.

(R1234, H1595)

No. 1041

An Act To Amend Section 46-155, Code Of Laws Of South Carolina, 1962, As Amended, Relating To Beginner's Driving Permits, So As To Reinstate The Fee For Such Permit Which Was Inadvertently Omitted From This Section.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 46-155 amended—beginner's permits—fee.—Section 46-155, Code of Laws of South Carolina, 1962, as amended, is further amended by striking the last sentence and inserting in lieu thereof the following: “The fee for every beginner's or renewal permit shall be one dollar.” When amended the section shall read as follows:

“Section 46-155. Any person who is at least fifteen years of age may apply to the Department for a beginner's permit. The Department may, after the applicant has successfully passed all parts of the examination other than the driving test, issue to the applicant a beginner's permit which shall entitle the applicant having such permit in his immediate possession to drive a motor vehicle upon the public highways for a period of not more than six months. While so driving such permittee must be accompanied by a licensed driver twenty-one years of age or older who has had at least one year of driving experience, and who is occupying a seat beside the driver, except in the event the permittee is operating a motorcycle. Any beginner's permit may be renewed or a new permit issued for additional periods of six months, but the Department may refuse to renew or issue a new permit where the examining officer has reason to believe that the applicant has not made a bona fide effort to pass the required driver's road test or does not appear to the examining officer to have the aptitude to pass such road test. The fee for every beginner's or renewal permit shall be one dollar.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 14th day of May, 1966.

(R1236, H2085)

No. 1042

An Act To Amend Section 8-233, Code Of Laws Of South Carolina, 1962, As Amended, Relating To Loans By Banks And Other Lending Agencies Secured By Other Than Real Estate Mortgages, So As To Remove The Limitation On The Amount Of Such Loans.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 8-233 amended—installment loans authorized.—Section 8-233 of the 1962 Code, as amended by Act No. 762 of 1962, is further amended by striking on lines three and four the following: “and not more than seven thousand five hundred dollars” and by striking the proviso at the end of the section. The section when amended shall read as follows:

“Section 8-233. Banks, banking institutions and other lending agencies doing business in this State may make loans and advances of credit to persons in amounts of not less than ten dollars, payable in instalments, for the financing of purchases and for other desirable purposes, over a period of not less than three months and on all such loans are allowed to make interest or add-on charges at the rate of not exceeding seven per cent per annum just as if the entire amount of the debt matured on the date the last installment becomes due.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 14th day of May, 1966.

(R1237, H2098)

No. 1043

An Act To Amend Section 33-140, Code Of Laws Of South Carolina, 1962, Relating To Deposits Of Highway Department Condemnation Awards In Cases Of Appeal, So As To Permit Property Owners To Draw A Portion Of Such Awards.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 33-140 amended—effect of appeals.—Section 33-140, Code of Laws of South Carolina, 1962, is amended by adding the following at the end of the section: "On projects financed with Federal-Aid Highway funds the property owner may without prejudice to his rights draw for his use seventy-five per cent of the amount set aside pending the outcome of the appeal."

The section when amended shall read as follows:

"Section 33-140. In the case of an appeal by the Department the property may not be entered by the Department, except for making surveys and measurements, until such appeal is finally concluded. But in case of an appeal by a property owner, the Department may immediately, after tendering to the owner the amount of the award, proceed with the contemplated work. In such case the Department shall set aside the amount of the award, which shall be held intact pending the outcome of the appeal. On projects financed with Federal-Aid Highway funds the property owner may without prejudice to his rights draw for his use seventy-five per cent of the amount set aside pending the outcome of the appeal."

SECTION 2. Application of act.—The provisions of this act shall be effective as to all condemnation awards now on deposit pending the outcome of condemnation award appeals, and to all future condemnation award deposits.

SECTION 3. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 14th day of May, 1966.

(R1238, H2106)

No. 1044

An Act To Amend Section 15-1171, Code Of Laws Of South Carolina, 1962, Relating To The Jurisdiction Of Children's Court Division, So As To Provide Jurisdiction To Terminate Parental Rights.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 15-1171 amended—jurisdiction of children's court.—Section 15-1171 of the 1962 Code is amended in the last paragraph on line two by striking the word “and” between the words “children” and “to” and inserting a comma and by striking the period on line two and inserting “and to terminate the rights of a natural parent of such children.” The section when amended shall read as follows:

“Section 15-1171. The children's court shall have exclusive original jurisdiction within the county to hear and determine all cases or proceedings involving the hearing, trial, parole, probation, remand or commitment of children:

(1) In the case of a domestic relations court, who are actually or apparently under the age of sixteen years or who were under the age of sixteen years when the act or offense is alleged to have been committed or the right of action in such case or proceeding accrued;

(2) In the case of a juvenile domestic relations court, who are actually or apparently under the age of seventeen years or who were under the age of seventeen years when the act or offense is alleged to have been committed or the right of action in such case or proceeding accrued; and

(3) In either case, who are, or who are alleged to be (a) delinquent, (b) physically handicapped, (c) material witnesses, (d) mental defectives, or (e) neglected.

It shall also have jurisdiction to appoint guardians of the person of such children, to grant orders for the adoption of such children and to terminate the rights of a natural parent of such children. Such court shall also have jurisdiction in such proceedings to determine the question of the rightful custody of such children if their custody is subject to controversy and in so far as such custody or controversy relates to their immediate care. The court may refer to any magistrate having jurisdiction any delinquent child who it may conclude should be tried in the criminal courts. And a juvenile domestic relations court may so refer any adult contributing to the delinquency of any

child who it may conclude should be tried in the criminal courts or it may refer such child or such adult to the court of general sessions.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 14th day of May, 1966.

(R1239, H2125)

No. 1045

An Act To Define The Duties And Powers Of Executors, Administrators with The Will Annexed And Trustees With Respect To The Distribution Of Assets In Kind And With Respect To Agreements In Connection Therewith.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Duties of fiduciaries concerning distribution of assets.—When an executor, administrator with will annexed or a trustee is empowered under the will or trust of a decedent to satisfy a pecuniary bequest, devise or transfer in trust, in kind with assets at their value for federal estate tax purposes, such fiduciary, in order to implement such bequest, devise or transfer in trust, must, unless the governing instrument provides otherwise, distribute assets, including cash, fairly representative of appreciation or depreciation in the value of all property thus available for distribution in satisfaction of such pecuniary bequest, devise or transfer.

SECTION 2. Application of act.—The provisions of this act are not intended to change the present laws applicable to fiduciaries, but are statements of the fiduciary principles applicable to such fiduciaries and are declaratory of such laws.

SECTION 3. Fiduciaries may enter into certain agreements.—Executors, administrators with will annexed and trustees are authorized to enter into agreements with beneficiaries and with governmental authorities, agreeing to make distribution in accordance with the terms of this act for any purpose which they deem to be in the best interests of the estate, including the purpose of protecting and preserving the federal estate tax marital deduction as applicable to such estate, and the guardian or conservator of a surviving beneficiary

or the personal representative of a deceased beneficiary shall be empowered to enter into such agreements for and on behalf of such beneficiary or such deceased beneficiary.

SECTION 4. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 14th day of May, 1966.

(R1240, H2271)

No. 1046

An Act To Amend Sections 37-246 And 37-247, Code Of Laws Of South Carolina, 1962, As Amended, Relating To Reciprocal Agreements For Nonresident Insurance Agents And Requirement That Insurance Companies Do Business Through Licensed Agents, So As To Provide That Certain Officers And Employees Of Insurers Not Be Required To Be Licensed As Agents, And To Provide For The Transaction Of Business By Such Persons.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 37-246 amended—reciprocal agreements for nonresident agents—officers of companies.—Section 37-246, Code of Laws of South Carolina, 1962, as amended, is further amended to read as follows :

“Section 37-246. (a) No nonresident of the State shall be licensed as an agent to do business in this State, except that the Chief Insurance Commissioner may enter into reciprocal agreements with the insurance commissioners of other states in regard to licensing of nonresident agents if in his judgment such arrangements or agreements are in the best interest of the State and if the applicant for such license meets the minimum statutory requirements of this State for the issuance of such license but the Chief Insurance Commissioner shall not enter into or continue any reciprocal agreement unless the other state is just as liberal as this State in licensing such nonresident agents.

(b) The Chief Insurance Commissioner may issue nonresident licenses to agents residing in a community comprised of two or more incorporated cities or towns, located partly within and partly without the State, or residing within two miles of the city limits of such cities or towns, and permit such agents to write insurance in such cities or

towns on the same basis as a resident licensed agent if the laws of the adjacent state are just as liberal in the licensing of residents of this State. All business so written shall be deemed to have been transacted in accordance with the requirements of Section 37-247 of the 1962 Code.

(c) A nonresident of this State who is a regular salaried officer or employee of a licensed stock, mutual or reciprocal insurer, except such an insurer licensed to transact life or life and accident and health insurance, who travels for his insurer in this State shall not be required to be licensed provided:

(1) He has other duties than soliciting insurance,

(2) Any policies of insurance written by him are countersigned by a licensed insurance agent who is a bona fide resident of this State,

(3) He receives no commission or other compensation directly dependent upon the amount of business obtained, and

(4) His insurer-employer annually registers with the South Carolina Insurance Department his name, business address, residence address, description of duties to be performed, and any other information required by the Chief Insurance Commissioner to be contained in such registration."

SECTION 2. Section 37-247 amended—resident agents must transact certain business—exceptions.—Section 37-247 of the 1962 Code, as amended, is further amended by striking the word "It" at the beginning of the second sentence on line six and inserting "Except as provided in Section 37-246, it". The section when amended shall read as follows:

"Section 37-247. All business done in this State by insurance companies doing the business of insurance as defined in this Title shall be transacted by their regularly authorized agents residing in this State or through applications of such agents, and all policies, except life insurance policies, so issued must be personally countersigned by such agents. Except as provided in Section 37-246, it shall be unlawful for any salaried officer, manager or other representative of any such company to transact for his company any of the business of a licensed agent for which such licensed agent received a commission, unless he himself shall be a bona fide resident licensed agent. But nothing in this section shall be construed to prevent the use, in the discretion of the company, of a countersignature endorsement which on its face is identified with the insurance contract for attachment to which it is issued and which on its face develops information in respect of

such contract, including full premium information, sufficient for the countersigning agent's record and which shall be signed by the countersigning agent. Any such countersignature by the duly licensed agent of the company originating a contract of insurance participated in by other companies as cosureties or coindemnitors shall satisfy all countersignature requirements in respect of such contract of insurance. No provision of this section shall apply to direct insurance covering the rolling stock of railroad corporations or property in transit while in possession and custody of railroad corporations or other common carriers or apply to bid bonds issued by any surety company in connection with any public or private contract."

SECTION 3. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 14th day of May, 1966.

(R1241, H2292)

No. 1047

An Act To Create The South Carolina Board Of Certification Of Public Water Treatment Plant Operators; To Provide For Its Membership, Powers And Duties; To Provide For And Require The Issuance Of Certificates Of Registration To Operators Of Public Water Treatment Plants; To Provide For The Classification Of Public Water Treatment Plants By The State Health Officer; To Require The Operation Of Public Water Treatment Plants By Registered Operators; And To Provide Penalties For Violations.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Definitions.—When used in this act, the terms listed below shall have the following meanings:

(1) "Public water treatment plant" means that portion of a public, private or corporate water system which in any way alters the physical, chemical or bacteriological characteristics of potable water furnished to the public for human consumption whether the source of supply be of surface or subterranean origin.

(2) "Operator" means any person in charge of a public water treatment plant who is entrusted with the responsibility of altering the characteristics of water being treated.

(3) "State Health Officer" means the executive officer of the State Board of Health.

(4) "Board" means the South Carolina Board of Certification of Public Water Treatment Plant Operators.

(5) "Certificate of Registration" means a serially numbered document issued by the board, containing the name of the person registered and the date of registration and authenticated by such signature as determined by the board, certifying that the person named therein has been duly registered by the board as an operator of a public water treatment plant.

SECTION 2. S. C. Board of Certification of Public Water Treatment Plant Operators created.—There is hereby created the South Carolina Board of Certification of Public Water Treatment Plant Operators to safeguard the life and health of the citizens of this State.

The board shall consist of eight members, six of whom shall be appointed by the Governor, as follows:

(a) Two shall be nominated by the Executive Committee of the South Carolina Water and Pollution Control Association to serve terms of three years;

(b) One shall be nominated from the active membership of the South Carolina Water and Pollution Control Association to serve a term of three years;

(c) One shall be nominated by the Municipal Association of South Carolina to serve a term of one year; and

(d) Two shall be nominated by the President of Clemson University, who shall be members of the faculty of the University, engaged in water works instruction, initially one to serve a term of one year and one to serve a term of two years.

Thereafter, the terms of the members shall be for three years and until their successors are appointed and qualify.

Two members shall be appointed by the State Health Officer, to serve at the pleasure of the State Health Officer, one of whom shall be appointed to represent the State Board of Health, and one who shall be a member of the State Board of Health to serve as secretary-treasurer of the board, ex officio.

SECTION 3. Vacancies.—Vacancies occurring among those appointed by the Governor shall be filled by the Governor for the unexpired portion of the term only. If a member appointed by the State

Health Officer vacates the board for any cause, the State Health Officer shall fill the vacancy.

SECTION 4. Meetings—officers—bylaws.—The board shall meet at least once a year and at such other times as its bylaws provide, at a place designated by the chairman. At its initial meeting, the board shall elect from its membership a chairman and a vice-chairman to serve for a term of one year. The board shall have the power to adopt bylaws and rules of procedure which may be reasonably necessary to perform its duties.

SECTION 5. Records.—The board shall keep a record of its proceedings and a register of all applications for certificates of registration showing for each the date of application, the name, qualification, place of business and place of residence of each applicant, and whether the certificate of registration was granted or refused. This record shall be open to public inspection at all reasonable times.

SECTION 6. Compensation.—The members of the board shall receive no salaries, but each member shall be entitled to such compensation as authorized by law for members of boards, commissions and committees when engaged in the actual performance of their duties.

SECTION 7. To assist in correspondence school programs.—The board shall assist and advise the school committees of Clemson University and of the South Carolina Water and Pollution Control Association in the conduct of correspondence course work for water plant personnel.

SECTION 8. Applications—fee.—Any person desiring to be registered as an operator may make application, on a form prescribed and furnished by the board, accompanied by such fee as specified by the board, such fee not to exceed ten dollars. The annual renewal fee shall not exceed five dollars.

The board shall review the applications submitted to it and shall make such determinations in each case as it may deem proper, and shall have final disposition of all applications. The board shall issue a certificate of registration of the proper grade to the applicant.

In the event the certification is denied, an applicant may appeal to the board for a review of his application.

SECTION 9. Qualifications.—To be eligible for certification by the board as a public water treatment plant operator, each applicant must:

- (1) Be of good moral character;

(2) Successfully complete all requirements stipulated by the rules and regulations of the board for certification of water plant operators;

(3) Be actively engaged in waterworks practices; and

(4) Be a resident of the State of South Carolina.

SECTION 10. Present operators may be issued certificates.—

Certificates of registration may be issued without examinations to operators of public water treatment plants on the effective date of this act, which shall be valid only for the public water treatment plant the operator is in charge of at such time, and to persons who, on the effective date of this act, hold certificates of registration obtained under an existing voluntary certification program.

SECTION 11. Certificate to be permanent.—The certificates of registration issued by the board shall be permanent unless revoked for cause, replaced by one of a higher grade, or invalidated.

SECTION 12. Certificate may be invalidated.—A certificate of registration may be invalidated by the board if, in the opinion of the board, the holder fails to use reasonable care, judgment and application of his knowledge in the performance of his duties, or if the operator becomes incompetent or unable to discharge his responsibilities. Appeal from the decisions of the board may be made to any court of competent jurisdiction.

SECTION 13. Licenses from other states.—Any person of good moral character licensed by another state or territory as an operator whose requirements are commensurate with the requirements of this State may, upon the payment of a fee of not to exceed ten dollars, be granted a certificate of registration by the board.

SECTION 14. Unlawful to practice without certificate.—Two years after the effective date of this act it shall be unlawful for any person to practice as a public water treatment plant operator unless the person so practicing has fully complied with the provisions of this act and has been issued a current certificate of registration by the board in a grade equal to or higher than that grade designated for the public water treatment plant at which he is employed.

SECTION 15. Classification of plants.—The State Health Officer shall classify all public water treatment plants giving due regard to the size, type, complexity, physical condition, source of supply and treatment process employed by such public water treatment plant, and

the skill, knowledge and experience necessary for the operation of such plants. The classification shall be based, regardless of population figures, on the following groups:

(a) Group 1. "C" certificate. All treatment plants supplied from surface water supplies and employing any or all of the conventional processes of coagulation, sedimentation, disinfection, and filtration, either for the purpose of clarification or softening.

(b) Group 2. "D" certificate. Treatment plants securing either artificially or naturally impounded water as a source of supply, or any type of infiltration galleries.

(c) Group 3. "D" certificate. All treatment plants using wells or surface springs as a source of supply and which employ any treatment process which alters the physical or chemical characteristics of the untreated water.

SECTION 16. Unlawful to operate plant unless operator holds certificate.—Two years after the effective date of this act it shall be unlawful for any person or municipal corporation to operate a public water treatment plant unless the operator in charge holds a valid certificate of registration issued by the board in a grade corresponding to the grade of the public water treatment plant supervised by him.

SECTION 17. Penalties.—Any person convicted of violating the provisions of this act after notification in writing by the board that he is in violation of this act shall be guilty of a misdemeanor and shall be fined not more than one hundred dollars or be imprisoned for not more than thirty days. Each day of violation after the notice of violation shall constitute a separate offense.

SECTION 18. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 14th day of May, 1966.

An Act To Amend Sections 56-551, 56-561, 56-567, 56-568, 56-606 And 56-628, Code Of Laws Of South Carolina, 1962, Relating To Dentists, Dental Hygienists And Dental Laboratory Technicians, So As To Provide That The Board Of Dental Examiners May Fix Fees.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 56-551 amended—application for license as dental hygienist—qualifications.—Section 56-551, Code of Laws of South Carolina, 1962, is amended by striking at the end thereof “fifteen dollars” and inserting “fixed by the Board which shall fully cover all costs, but not to exceed fifty dollars.” The section when amended shall read as follows :

“Section 56-551. A dental hygienist to obtain a license must have had at least two years in some high school of this State or its equivalent, must have spent at least six months in some school for the instruction of dental hygienists that has been approved by the Board and shall be of good moral character. Applications for the practice of dental hygiene in this State must be made to the Board in the same manner as that prescribed for applicants to practice dentistry, except that the fee accompanying the application shall be fixed by the Board which shall fully cover all costs, but not to exceed fifty dollars.”

SECTION 2. Section 56-561 amended—reciprocal licenses.—Section 56-561, Code of Laws of South Carolina, 1962, is amended by striking on line nine the words “with a fee of twenty-five dollars” and inserting the words “by a reasonable fee, but not to exceed fifty dollars, to be determined by the Board”. The section when amended shall read as follows :

“Section 56-561. Any dentist or dental hygienist who desires to practice in this State and has been practicing his profession continuously for five years or more next preceding the date of the application hereinafter referred to, under license lawfully issued by some other state or territory or the District of Columbia, in which the standard of proficiency equals that maintained in this State, may file with the Board his application for a license to practice in this State without undergoing the examination for a license provided for in Section 56-537. The application shall be accompanied by a reasonable fee, but not to exceed fifty dollars, to be determined by the Board, the original or a certified copy of the original license under which he has been practicing, a certificate from the board which issued such license setting forth the applicant’s reputation for honesty, morality and professional ability and such other information or data as the Board may deem expedient or necessary. Upon satisfactory proof of the applicant’s fitness and ability being furnished, the Board may, in its discretion, issue a license to practice to the applicant without further

cost. If the same courtesy or privilege is not authorized by the law of the state or territory or the District of Columbia in which such applicant has been practicing, so as to permit similarly qualified dentists or dental hygienists of this State to be licensed therein, then the Board shall refuse to issue a license under this section, regardless of the applicant's fitness or qualification. Should the Board refuse to issue a license under this section five dollars of the applicant's fee shall be refunded by the Board to the applicant."

SECTION 3. Section 56-567 amended—duplicate licenses.—Section 56-567, Code of Laws of South Carolina, 1962, is amended by striking on line six "of one dollar" and inserting "to be fixed by the Board which shall fully cover all costs". The section when amended shall read as follows:

"Section 56-567. Any dentist or dental hygienist who has lost his license before recording it or who has otherwise failed, neglected or refused to file his license for recording may make application to the Board at any time within six months from the date of issuance of the original license for the issuance of a new or duplicate license. For considering such application the Board shall collect a fee to be fixed by the Board which shall fully cover all costs, such fee to be remitted with the applications. All such applicants shall furnish the Board with such proof as it may require touching upon the loss of the original license, the then fitness of the applicant and the cause of the failure, neglect or refusal to file and record the original license. Should the Board determine that the applicant is entitled to a new or duplicate license, it shall be issued without further cost to the applicant. All such applicants failing to meet the requirements of the Board and applicants not filing applications within the aforesaid period of six months shall be required, before being relicensed, to take the examination provided for in Section 56-537 or 56-555, as the case may be."

SECTION 4. Section 56-568 amended—annual registration required.—Section 56-568, Code of Laws of South Carolina, 1962, is amended by striking on line ten "of one dollar" and inserting "to be fixed by the Board which shall fully cover all costs". The section when amended shall read as follows:

"Section 56-568. The secretary of the Board shall mail, during the month of December of each year, the authorized form of registration to every registered dentist or dental hygienist at his registered

address. But the failure of any dentist or dental hygienist to receive such form will not excuse his failure to register as required by this chapter. Upon the filing of such form and the payment of the fee, the Board shall issue to the registrant its certificate of registration, which will authorize the registrant to practice in this State until the next succeeding registration date. For registering and issuing a certificate of registration the Board shall charge a fee to be fixed by the Board which shall fully cover all costs, and all registrants shall remit such fee upon filing the registration form duly executed."

SECTION 5. Section 56-606, amended—specialists — examinations and fee.—Section 56-606, Code of Laws of South Carolina, 1962, is amended by striking on line six "twenty-five dollars" and inserting "fixed by the Board which shall fully cover all costs, but not to exceed fifty dollars" and by striking beginning on line eight "of twenty-five dollars" and inserting "fixed by the Board which shall fully cover all costs, but not to exceed fifty dollars". The section when amended shall read as follows:

"Section 56-606. Examinations shall be theoretical and practical. The theoretical examinations shall be in writing and shall include all the subjects represented in that recognized branch of dentistry in which the applicant desires to specialize. Written examinations may be supplemented by oral examinations. Demonstrations of the applicant's skill shall also be required. The fee for such examinations and special license shall be fixed by the Board which shall fully cover all costs, but not to exceed fifty dollars. Any applicant who shall fail to pass the examination may apply for a subsequent examination, in which case he shall pay to the secretary a fee fixed by the Board which shall fully cover all costs, but not to exceed fifty dollars, for each such subsequent examination so applied for."

SECTION 6. Section 56-628 amended—laboratory technicians—examinations and fee.—Section 56-628, Code of Laws of South Carolina, 1962, is amended by striking on line seven "of twenty-five dollars" and inserting "to be fixed by the Board which shall fully cover all costs, but not to exceed fifty dollars". The section when amended shall read as follows:

"Section 56-628. The Board shall conduct examinations of applicants for certificates of registration to practice as dental laboratory technicians and such examinations shall be held at the regular meeting of the Board. All applications for such examination must be sub-

mitted to the Board at least thirty days before the date on which the examinations are to begin, giving the qualifications of the applicants, with a fee to be fixed by the Board which shall fully cover all costs, but not to exceed fifty dollars, for such examination.”

SECTION 7. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 14th day of May, 1966.

(R1243, H2215)

No. 1049

An Act To Enter The State Into The Compact For Education Set Forth In This Act, With All Jurisdictions Legally Joining Therein; To Establish The South Carolina Education Council; And To Set Forth Its Duties.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Compact for Education adopted.—The Compact for Education is hereby entered into and enacted into law with all jurisdictions legally joining therein, in the form substantially as follows:

“COMPACT FOR EDUCATION

PREAMBLE

WHEREAS, the proper education of all citizens is one of the most important responsibilities of the States to preserve a free and open society in the United States; and,

WHEREAS, the increasing demands of our whole national life for improving and expanding educational services require a broad exchange of research data and information concerning the problems and practices of education; and,

WHEREAS, there is a vital need for strengthening the voices of the States in the formulation of alternative nationwide educational policies,

THE STATES AFFIRM the need for close and continuing consultation among our several States on all matters of education, and do hereby establish this Compact for Education.

COMPACT FOR EDUCATION

Article I. Purpose and Policy

A. It is the purpose of this compact to:

1. Establish and maintain close cooperation and understanding among executive, legislative, professional educational and lay leadership on a nationwide basis at the State and local levels.

2. Provide a forum for the discussion, development, crystallization and recommendation of public policy alternatives in the field of education.

3. Provide a clearing house of information on matters relating to educational problems and how they are being met in different places throughout the Nation, so that the executive and legislative branches of State Government and of local communities may have ready access to the experience and record of the entire country, and so that both lay and professional groups in the field of education may have additional avenues for the sharing of experience and the interchange of ideas in the formation of public policy in education.

4. Facilitate the improvement of State and local educational systems so that all of them will be able to meet adequate and desirable goals in a society which requires continuous qualitative and quantitative advance in educational opportunities, methods and facilities.

B. It is the policy of this compact to encourage and promote local and State initiative in the development, maintenance, improvement and administration of educational systems and institutions in a manner which will accord with the needs and advantages of diversity among localities and States.

C. The party States recognize that each of them has an interest in the quality and quantity of education furnished in each of the other States, as well as in the excellence of its own educational systems and institutions, because of the highly mobile character of individuals within the Nation, and because the products and services contributing to the health, welfare and economic advancement of each State are supplied in significant part by persons educated in other States.

Article II. State Defined.

As used in this Compact, 'State' means a State, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

Article III. The Commission

A. The Educational Commission of the States, hereinafter called 'the Commission', is hereby established. The Commission shall consist of seven members representing each party State. One of such members shall be the Governor; two shall be members of the State legislature appointed by the Governor and serving in such manner as the Governor may determine; and four shall be appointed by and serve at the pleasure of the Governor, unless the laws of the State otherwise provide. If the laws of a State prevent legislators from serving on the Commission, six members shall be appointed by and serve at the pleasure of the Governor, unless the laws of the State otherwise provide. In addition to any other principles or requirements which a State may establish for the appointment and service of its members of the Commission, the guiding principle for the composition of the membership on the Commission from each party State shall be that the members representing such State shall, by virtue of their training, experience, knowledge or affiliations be in a position collectively to reflect broadly the interests of the State Government, higher education, the State education system, local education, lay and professional, public and non-public educational leadership. Of those appointees, one shall be the head of a state agency or institution, designated by the Governor, having responsibility for one or more programs of public education. In addition to the members of the Commission representing the party States, there may be not to exceed ten non-voting commissioners selected by the steering committee for terms of one year. Such commissioners shall represent leading national organizations of professional educators or persons concerned with educational administration.

B. The members of the Commission shall be entitled to one vote each on the Commission. No action of the Commission shall be binding unless taken at a meeting at which a majority of the total number of votes on the Commission are cast in favor thereof. Action of the Commission shall be only at a meeting at which a majority of the Commissioners are present. The Commission shall meet at least once a year. In its bylaws, and subject to such directions and limitations as may be contained therein, the Commission may delegate the exercise of any of its powers to the steering committee or the Executive Director, except for the power to approve budgets or requests for appropriations, the power to make policy recommen-

dations pursuant to Article IV and adoption of the annual report pursuant to Article III (j).

C. The Commission shall have a seal.

D. The Commission shall elect annually, from among its members, a chairman, who shall be a Governor, a vice chairman and a treasurer. The Commission shall provide for the appointment of an executive director. Such executive director shall serve at the pleasure of the Commission, and together with the treasurer and such other personnel as the Commission may deem appropriate shall be bonded in such amount as the Commission shall determine. The executive director shall be secretary.

E. Irrespective of the civil service, personnel or other merit system laws of any of the party States, the executive director subject to the approval of the steering committee shall appoint, remove or discharge such personnel as may be necessary for the performance of the functions of the Commission, and shall fix the duties and compensation of such personnel. The Commission in its bylaws shall provide for the personnel policies and programs of the Commission.

F. The Commission may borrow, accept or contract for the services of personnel from any party jurisdiction, the United States, or any subdivision or agency of the aforementioned governments, or from any agency of two or more of the party jurisdictions or their subdivisions.

G. The Commission may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials and services, conditional or otherwise, from any State, the United States, or any other governmental agency, or from any person, firm, association, foundation, or corporation, and may receive, utilize and dispose of the same. Any donation or grant accepted by the Commission pursuant to this paragraph or services borrowed pursuant to paragraph (f) of this Article shall be reported in the annual report of the Commission. Such report shall include the nature, amount and conditions, if any, of the donation, grant, or services borrowed, and the identity of the donor or lender.

H. The Commission may establish and maintain such facilities as may be necessary for the transacting of its business. The Commission may acquire, hold, and convey real and personal property and any interest therein.

I. The Commission shall adopt bylaws for the conduct of its business and shall have the power to amend and rescind these bylaws. The Commission shall publish its bylaws in convenient form and shall file a copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in each of the party States.

J. The Commission annually shall make to the Governor and legislature of each party State a report covering the activities of the Commission for the preceding year. The Commission may make such additional reports as it may deem desirable.

Article IV. Powers.

In addition to authority conferred on the Commission by other provisions of the compact, the Commission shall have authority to:

1. Collect, correlate, analyze and interpret information and data concerning educational needs and resources.

2. Encourage and foster research in all aspects of education, but with special reference to the desirable scope of instruction, organization, administration, and instructional methods and standards employed or suitable for employment in public educational systems.

3. Develop proposals for adequate financing of education as a whole and at each of its many levels.

4. Conduct or participate in research of the types referred to in this Article in any instance where the Commission finds that such research is necessary for the advancement of the purposes and policies of this compact, utilizing fully the resources of national associations, regional compact organizations for higher education, and other agencies and institutions, both public and private.

5. Formulate suggested policies and plans for the improvement of public education as a whole, or for any segment thereof, and make recommendations with respect thereto available to the appropriate governmental units, agencies and public officials.

6. Do such other things as may be necessary or incidental to the administration of any of its authority or functions pursuant to this compact.

Article V. Cooperation With Federal Government.

A. If the laws of the United States specifically so provide, or if administrative provision is made therefor within the Federal Government, the United States may be represented on the Commission by not to exceed ten representatives. Any such representative or representatives of the United States shall be appointed and serve

in such manner as may be provided by or pursuant to Federal law, and may be drawn from any one or more branches of the Federal Government, but no such representative shall have a vote on the Commission.

B. The Commission may provide information and make recommendations to any executive or legislative agency or officer of the Federal Government concerning the common educational policies of the States, and may advise with any such agencies or officers concerning any matter of mutual interest.

Article VI. Committees.

A. To assist in the expeditious conduct of its business when the full Commission is not meeting, the Commission shall elect a steering committee of thirty members which, subject to the provisions of this compact and consistent with the policies of the Commission, shall be constituted and function as provided in the bylaws of the Commission. One-third of the voting membership of the steering committee shall consist of Governors, and the remainder shall consist of other members of the Commission. A Federal representative on the Commission may serve with the steering committee, but without vote. The voting members of the steering committee shall serve for terms of two years, except that members elected to the first steering committee of the Commission shall be elected as follows: fifteen for one year and fifteen for two years. The chairman, vice chairman, and treasurer of the Commission shall be members of the steering committee and, anything in this paragraph to the contrary notwithstanding, shall serve during their continuance in these offices. Vacancies in the steering committee shall not affect its authority to act, but the Commission at its next regularly ensuing meeting following the occurrence of any vacancy shall fill it for the unexpired term. No person shall serve more than two terms as a member of the steering committee: provided that service for a partial term of one year or less shall not be counted toward the two term limitation.

B. The Commission may establish advisory and technical committees composed of State, local, and Federal officials, and private persons to advise it with respect to any one or more of its functions. Any advisory or technical committee may, on request of the States concerned, be established to consider any matter of special concern to two or more of the party States.

C. The Commission may establish such additional committees as its bylaws may provide.

Article VII. Finance.

A. The Commission shall advise the Governor or designated officer or officers of each party State of its budget and estimated expenditures for such period as may be required by the laws of that party State. Each of the Commission's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party States.

B. The total amount of appropriation requests under any budget shall be apportioned among the party States. In making such apportionment, the Commission shall devise and employ a formula which takes equitable account of the populations and per capita income levels of the party States.

C. The Commission shall not pledge the credit of any party States. The Commission may meet any of its obligations in whole or in part with funds available to it pursuant to Article III (g) of this compact, provided that the Commission takes specific action setting aside such funds prior to incurring an obligation to be met in whole or in part in such manner. Except where the Commission makes use of funds available to it pursuant to Article III (g) thereof, the Commission shall not incur any obligation prior to the allotment of funds by the party States adequate to meet the same.

D. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established by its bylaws. However, all receipts and disbursements of funds handled by the Commission shall be audited yearly by a qualified public accountant, and the report of the audit shall be included in and become part of the annual reports of the Commission.

E. The accounts of the Commission shall be open at any reasonable time for inspection by duly constituted officers of the party States and by any persons authorized by the Commission.

F. Nothing contained herein shall be construed to prevent Commission compliance with laws relating to audit or inspection of accounts by or on behalf of any government contributing to the support of the Commission.

Article VIII. Eligible Parties;
Entry Into and Withdrawal.

A. This compact shall have as eligible parties all States, Territories, and Possessions of the United States, the District of Columbia,

and the Commonwealth of Puerto Rico. In respect of any such jurisdiction not having a Governor, the term 'Governor', as used in this compact, shall mean the closest equivalent official of such jurisdiction.

B. Any State or other eligible jurisdiction may enter into this compact and it shall become binding thereon when it has adopted the same: provided that in order to enter into initial effect, adoption by at least ten eligible party jurisdictions shall be required.

C. Adoption of the compact may be either by enactment thereof or by adherence thereto by the Governor; provided that in the absence of enactment, adherence by the Governor shall be sufficient to make his State a party only until December 31, 1967. During any period when a State is participating in this compact through gubernatorial action, the Governor shall appoint those persons who, in addition to himself, shall serve as the members of the Commission from his State, and shall provide to the Commission an equitable share of the financial support of the Commission from any source available to him.

D. Except for a withdrawal effective on December 31, 1967, in accordance with paragraph C of this Article, any party State may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after the Governor of the withdrawing State has given notice in writing of the withdrawal to the Governors of all other party States. No withdrawal shall affect any liability already incurred by or chargeable to a party State prior to the time of such withdrawal.

Article IX. Construction and Severability.

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any State or of the United States, or the applicability thereof to any Government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any Government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any State participating therein, the compact shall remain in full force and effect as to the State affected as to all severable matters."

SECTION 2. S. C. Education Council established.—There is hereby established the South Carolina Education Council composed

of the members of the Educational Commission of the States representing this State. The Educational Commission representing South Carolina shall be composed of the following: the Governor, one member from each House of the General Assembly who shall be appointed by the presiding officer of each House, and four other members who shall be appointed by the Governor for terms of four years. The Governor shall be chairman unless he shall designate another member to act in his stead. The Council shall meet on the call of the Chairman or at the request of a majority of the members, but in any event the Council shall meet not less than three times in each year. The Council may consider any and all matters relating to public educational policy and any matters relating to recommendations of the Educational Commission of the States and the activities of the members in representing this State thereon.

SECTION 3. Bylaws to be filed.—Pursuant to Article III (i) of the Compact, the Commission shall file a copy of its bylaws and any amendment thereto with the Secretary of State.

SECTION 4. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 14th day of May, 1966.

(R1244, H2217)

No. 1050

An Act Authorizing Ordinances In Towns Containing A Population Between Eleven Hundred And Twelve Hundred To Enforce The Cleaning Of Lots Or Properties.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Certain towns may enforce cleaning of lots.—Any town containing a population between eleven hundred and twelve hundred, according to the latest United States Census, is authorized to provide by ordinance that the owner of any lot or property in the town shall keep such lot or property clean and free of rubbish, debris, dilapidated or dangerous buildings and other unhealthy and unsightly material.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 14th day of May, 1966.

(R1245, H2305)

No. 1051

An Act To Amend Sections 15-1691, 15-1691.3, 15-1691.4, 15-1691.32, 15-1691.33, And To Repeal Sections 15-1691.11 Through 15-1691.31, Code Of Laws Of South Carolina, 1962, Relating To The Criminal And Juvenile And Domestic Relations Court Of York County, So As To Change Such Court To The Juvenile And Domestic Relations Court Of York County.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 15-1691 amended—juvenile and domestic relations court established in York County.—Section 15-1691 of the 1962 Code is amended by inserting between “court” and “to” on line one “of record”; by striking “criminal,” on line two; by changing the period at the end of the first sentence to a comma and adding “with terms to be held at such places in the county as the judge may determine.”; and by striking the entire second sentence on lines two, three, four, five and six, so that, when so amended, the section shall read:

“Section 15-1691. There is established within York County a court of record to be known as the juvenile and domestic relations court, with terms to be held at such places in the county as the judge may determine. The establishment of this court is determined necessary by the General Assembly for all of York County except that area of the county included in the Kings Mountain Battleground National Park and the land of the South Carolina State Park at Kings Mountain.”

SECTION 2. Section 15-1691.3 amended — probation officer, counselor and other employees.—Section 15-1691.3 of the 1962 Code is amended by striking the last sentence so that, when so amended, the section shall read:

“Section 15-1691.3. The judge shall employ a probation officer and a counselor at such salaries as may be recommended and approved by the legislative delegation of the county and such other personnel as may be necessary for the proper functioning of the court with the approval of the York County legislative delegation.”

SECTION 3. Section 15-1691.4 amended—jurisdiction of court.—Section 15-1691.4 of the 1962 Code is amended by striking on lines one, two and three “The criminal division of the court shall have all the powers now vested in the court of general sessions and the

juvenile and domestic relations division of"; by changing "the court" to "The court" on line three; and by striking "criminal and" on line nine, so that, when so amended, the section shall read:

"Section 15-1691.4 The court shall have all of the powers now vested in the circuit courts and probate courts, in respect to delinquent or neglected children, divorces, adoptions and matters relating to support, and in the juvenile and domestic relations courts created by chapter 7 of this Title. Within the jurisdiction of the court, the judge shall have all the powers now vested in circuit judges except as limited in this chapter, and all rules of civil procedure of the circuit court shall be followed by the court herein established."

SECTION 4. Section 15-1691.32 amended—original jurisdiction in certain cases—transfer cases.—Section 15-1691.32, Code of Laws of South Carolina, 1962, as last amended by Act No. 949 of 1962 is amended to read as follows:

"Section 15-1691.32. The court shall have original jurisdiction concerning the welfare of any male child less than seventeen years of age and any female child less than eighteen years of age living or found within the county, and, once jurisdiction of such a child is acquired, the court can retain jurisdiction of such child until he reaches the age of twenty-one years unless the judge, in his discretion, determines that the child should be referred to the jurisdiction of another court of competent jurisdiction. The court shall have jurisdiction to try and dispose of the case of any male child under seventeen years of age and any female child under eighteen years of age who has been charged with violating any law within the jurisdictional limits of the court, and the case of any child requesting trial by jury shall be transferred to another court of competent jurisdiction. The court shall likewise have concurrent jurisdiction with the circuit court in matters relating to support and divorces."

SECTION 5. Section 15-1691.33 amended—application of certain Code provisions.—Section 15-1691.33 of the 1962 Code is amended by striking "juvenile and domestic relations division" on lines one and two and inserting "court" and by striking "division of the" on line seven, so that, when so amended, the section shall read:

"Section 15-1691.33. The court shall be controlled by the statutes contained in chapter 7 of this Title, except where inconsistent with

the provisions of this chapter; *provided*, however, that Section 15-1111, 15-1115 to 15-1130, 15-1133 to 15-1142, 15-1152, 15-1153, 15-1157, 15-1158 and 15-1174 shall not be applicable. The term 'court' as used in the applicable sections shall mean the juvenile and domestic relations court established in this chapter. The applicable sections are hereby so modified as to apply only within and properly to the territorial limits of this court."

SECTION 6. Transfer of cases.—No cases shall be transferred from the court of general sessions to the criminal division of York County Court after the July 1966 term of the court of general sessions and all cases remaining on the docket of the county court on January 1, 1967 shall be transferred to the court of general sessions.

SECTION 7. Fee of candidate for solicitor to be refunded.—The fee of any candidate who may have filed for the office of solicitor of the York County Court in the Democratic Primary shall be refunded.

SECTION 8. Sections 15-1691.11 through 15-1691.31 repealed.—Sections 15-1691.11 through 15-1691.31 of the 1962 Code are hereby repealed.

SECTION 9. Time effective.—This act shall take effect January 1, 1967.

Approved the 14th day of May, 1966.

(R1246, H2582)

No. 1052

An Act To Amend Section 47-242, Code Of Laws Of South Carolina, 1962, As Amended, Providing For An Annual Tax Levy By The Town Of Walhalla In Oconee County, So As To Increase The Amount Of Such Levy.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 47-242 amended—Town of Walhalla may levy annual tax.—Section 47-242 of the 1962 Code, as amended, is further amended on lines two and three by striking "fifty mills upon" and inserting "six per cent of". The section when amended shall read as follows :

“Section 47-242. The town council of the town of Walhalla in Oconee County may levy an annual tax of not exceeding six per cent of the assessed value of all taxable property within the corporate limits of the town for general purposes.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 14th day of May, 1966.

(R1250, H2293)

No. 1053

An Act To Amend Section 14-3201, Code Of Laws Of South Carolina, 1962, As Amended, Relating To The Board Of Road Commissioners For Richland County, So As To Reduce The Membership Of The Board Of Road Commissioners And To Designate The Area Of Representation.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 14-3201 amended—Board of Road Commissioners created for Richland County—areas—terms—vacancies.—Section 14-3201 of the 1962 Code, as amended, is further amended by striking it out and inserting in lieu thereof the following:

“Section 14-3201. A Board of Road Commissioners is hereby created for Richland County which shall be composed of four members. One member of the board shall be elected from the following township and areas by the qualified electors of such township or area wherein the member resides:

The Columbia Township as constituted and defined on the date of the approval of this act.

Lower Richland Area—Beginning at a point where the southern boundary of Columbia Township intersects with Fort Jackson; thence around the southern perimeter of Fort Jackson continuing to a point where State Highway secondary road (S-1194) intersects with Fort Jackson; thence in a northeasterly direction along such road to the Kershaw County line; thence in a southeasterly direction along the Richland-Kershaw County line and following the county line to a point where the southern boundary of the Columbia Township line intersects with the Congaree River; thence turning in an easterly di-

rection and running along the southern boundary of Columbia Township to the point of origin.

Dentsville-Blythewood Area—Beginning at a point where Broad River intersects with Columbia Township; thence following the northern and eastern boundary of Columbia Township to a point where such boundary intersects with the boundary of Fort Jackson; thence in a northeasterly direction around the State Highway secondary road (S-1194); thence turning and running along such road to a point where it intersects with the Richland-Kershaw County line; thence turning in a northwesterly direction following the county line back to where it intersects with the Broad River; thence turning in a southerly direction and following the Broad River to the point of origin.

Dutch Fork Area—Beginning at a point where the Broad River intersects with the northern boundary of Columbia Township; thence following the Broad River in a northwesterly direction to where it intersects with the Newberry County line; thence turning in a southwesterly direction and following the county line around to the point of origin.

The road commissioners shall hold office co-terminously with the county supervisor and they shall hold office until their successors are elected and shall qualify. In case of a vacancy before the expiration of the term for which elected, the successor in office shall be appointed for the unexpired portion of the term by the Governor, upon the recommendation of a majority of the county legislative delegation, including a majority of the resident senators."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 14th day of May, 1966.

An Act To Amend Section 21-132, Code Of Laws Of South Carolina, 1962, Relating To The Advisory Board Of Education Created For The Monetta-Ridge Spring Attendance Area, So As To Further Provide Therefor; To Provide For The Consolidation Of Certain School Districts In Aiken, Edgefield And Saluda Counties Upon The Condition That The Constitution Of This State Be Amended So As To Permit The Consolidated School Dis-

tict To Incur Bonded Indebtedness In An Amount Not Exceeding Twenty-five Per Cent Of The Assessed Value Of All Taxable Property Therein; To Provide A Governing Body For Such School District And Prescribe Its Duties And Powers.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 21-132 amended—advisory board of education created for Monetta-Ridge Spring Attendance Area.—Section 21-132 of the 1962 Code is amended by striking it in its entirety and inserting in lieu thereof the following :

“Section 21-132. There is hereby created an advisory board of education for the Monetta-Ridge Spring Attendance Area, which shall consist of five members, two of whom shall be residents of the Monetta Attendance Area as constituted on July 1, 1967, to be appointed by the board of education for Aiken County for three year terms; two from the area formerly designated as Ridge Spring School District No. 2 of Saluda County, to be appointed as provided in Section 21-3954 for four year terms; and the fifth member who shall be a resident of Monetta Attendance Area or of the area formerly designated as Ridge Spring School District No. 2; *provided*, the fifth member cannot be a resident of the same area for any two successive terms. The fifth member shall be appointed by the Governor upon recommendation of the Aiken County Legislative Delegation when a resident of Monetta and upon recommendation of the Saluda County Delegation when a resident of the area formerly designated as Ridge Spring School District No. 2. The first fifth member shall be a resident of Monetta; and the fifth member shall serve a one year term.”

SECTION 2. Findings of General Assembly.—As an incident to the enactment of this act, the General Assembly has made the findings set forth in this section, viz.:

(1) In a decision rendered on February 7, 1966, in “Boatwright, et al, vs. McElmurray, et al.” The Supreme Court of South Carolina held that previous enactments of the General Assembly, viz., Act 271 of 1953, Act 946 of 1958 and Act 709 of 1960 resulted in the establishment of a consolidated school district comprised of all of Aiken County (the former School District of Aiken County), that area of Saluda County formerly constituting Ridge Spring School District No. 2 of Saluda County, and that area of Edgefield County formerly constituting Wimberly Branch School District of Edgefield County, and that the debt limitation applicable to the school dis-

trict as thus consolidated was the lowest constitutional limitation imposed upon any segment thereof.

(2) Following this holding, and because of the urgent need to construct new school facilities within Aiken County, action has been taken by both the General Assembly and the County Boards of Education of Aiken, Saluda and Edgefield Counties, which has resulted in (a) the re-establishment of The School District of Aiken County, comprised of all of Aiken County; (b) the re-establishment of Ridge Spring School District No. 2 of Saluda County, with the same territory of which it was originally comprised prior to the acts of the General Assembly above set forth; and (c) the annexation to The School District of Edgefield County of that area in Edgefield County formerly constituting Wimberly Branch School District of Edgefield County, so that The School District of Edgefield County as thus constituted comprises all of Edgefield County. By reason of this action, The School District of Aiken County is free to issue bonds to the extent permitted by the applicable constitutional limitation controlling bonded indebtedness of school districts in Aiken County, viz., twenty-five per cent.

(3) The geographical and population situation is such that the most effective arrangement for providing public schools for the three areas affected is by consolidating the area of Aiken County and Ridge Spring School District No. 2 of Saluda County into a single school district with power, inter alia, to educate pupils residing in the school district of Edgefield County as enlarged by the aforesaid annexation on a contractual basis.

(4) By legislation in *pari materia* an amendment to Section 5 of Article X of the Constitution has been proposed by which it is provided that any school district comprising all or any part of Aiken County, and parts of counties adjacent to Aiken County, may incur bonded indebtedness to an amount not exceeding twenty-five per cent of the assessed value of all taxable property therein. If this amendment is duly proposed by the present General Assembly, voted upon favorably in the general election to be held in 1966, and thereafter ratified by the General Assembly which convenes in 1967, the sole objection to the existence of the consolidated school district referred to in paragraph (3) of this section will have been removed.

(5) Applicable decisions of the Supreme Court of South Carolina permit the General Assembly to legislate prospectively, viz., *Beaufort County vs. Jasper County*, 220 S. C. 469, 68 S. E. 2d., 421,

and Moffett vs. Traxler, et al, decided by the Supreme Court on March 2, 1966.

The General Assembly has, therefore, determined to provide through this act that if the proposed resolution is duly adopted, the proposal therein provided for is approved in the general election held in November, 1966, and thereafter the amendment is ratified and becomes a part of the Constitution by action taken by the 1967 General Assembly, this act shall thereafter, viz., on July 1, 1967, become effective.

SECTION 3. Consolidated School District of Aiken County created.—There is hereby created a school district which shall be comprised of all of Aiken County, that portion of Saluda County formerly constituting Ridge Spring School District No. 2 of Saluda County, as set forth and delineated on a map on the wall of the office of the Saluda County Board of Education, which school district shall be known as The Consolidated School District of Aiken County.

SECTION 4. Governing body.—The District shall be governed by the Aiken County Board of Education.

SECTION 5. Aiken County Board of Education—election districts.—The Aiken County Board of Education shall be composed of ten members, who shall be citizens of Aiken County. One member of the board shall be elected by the qualified electors of each election district. For the purpose of election of a board of education, Aiken County is divided into ten election districts, each of which shall comprise that territory of the county which is included in the voting precincts created in Section 23-155, and grouped as follows into election districts:

Election District No. 1: Aiken No. 1, Aiken No. 2, Aiken No. 3, Aiken No. 4, Clearwater No. 1, Eureka, Millbrook, College Acres, Montmorenci, Shiloh, Shaws Fork and China Spring.

Election District No. 2: Jackson.

Election District No. 3: Graniteville, Warrentonville and Vacluse.

Election District No. 4: Langley, Gloverville, Bath and Clearwater No. 2.

Election District No. 5: Monetta, Chinquapin, Oak Grove, Ward No. 1, Ward No. 2 and McTeer.

Election District No. 6: North Augusta No. 1, North Augusta No. 2, Belvedere, Beach Island and Carolina Heights.

Election District No. 7: Salley and Tabernacle.

Election District No: 8: Wagener, Perry, Rocky Springs and New Holland.

Election District No. 9: Windsor and White Pond.

Election District No. 10: New Ellenton and Talatha.

The members of the board shall be elected by the qualified electors voting at the various precincts that comprise each election district.

Qualified electors residing in that area of Saluda County which forms part of the Monetta-Ridge Spring Attendance Area No. 5 shall have the right to vote for the member of the Aiken County board of education from Election District No. 5. Such electors shall vote at such precincts as may be designated by the Aiken County Board of Education and each elector shall satisfy the box managers that he actually resides within the attendance area.

SECTION 6. Elections—conduct of.—Members of the county board of education shall be elected in their respective election districts by a special election to be held on the first Tuesday in February in each district in which the term of the member of the board from such district expires in such year. Such election shall be held between the hours of nine a. m. and seven p. m. Voting places shall be located at each of the precincts in each district where an election is being held. Voters shall vote only in the precinct in which they are registered. The commissioners shall appoint three managers for each precinct and a committee of three to conduct the election, canvass the vote and certify the results to the commissioners. The rules of the general election shall apply except as otherwise specified in this act. The committee shall list as a candidate any qualified resident elector on whose behalf twelve or more electors sign a request that his name be listed. If fewer nominating petitions are filed than there are places to fill in the election, the committee shall place in nomination the name of any incumbent. All nominating petitions must be in the hands of the chairman of the election committee by three p. m. seven days before the election date. Necessary expenses of the election shall be paid from the county board of education funds.

SECTION 7. Commissions—terms—vacancies.—The selection of members of the board as above-provided shall be certified to the Secretary of State by the county board of education and he shall thereupon issue a commission to each person so selected. The term of office of the board members shall be three years, the initial terms of office shall be four for three years, three for two years and three for

one year so that a staggered term has been provided which will allow a change of only three members in any one year. The terms of office shall begin at the first regular board meeting following the annual election of members following the election. The county board of education shall fill by appointment any vacancy which leaves an unexpired term, after receiving a recommendation from the area advisory board involved.

SECTION 8. Meetings — officers — minutes — compensation.

—The county board of education shall meet annually on the second Tuesday in April and elect one of its members as chairman and another as vice chairman. The county superintendent of education shall be ex officio secretary to the board. The board shall hold a regular meeting at least monthly thereafter and special meetings as necessary. All regular meetings shall be open to the public. Minutes of all meetings shall be kept by the secretary and filed by him in permanent record. The members of the board shall receive per diem and mileage as provided by law for boards, commissions and committees.

SECTION 9. Powers and duties.—The county board of education shall be clothed with all of the powers and charged with all of the duties otherwise provided by law and shall have executive, financial and administrative control of the public schools in the county, subject, however, to the provisions of this act.

The county board of education shall each year, between the first day of January and the first day of June, prepare a budget for the operation of the public schools of Aiken County during the ensuing fiscal year. Copies of this budget shall be distributed to all members of the county board of education, the county superintendent of education, all members of the Aiken and Saluda county legislative delegations, including the Senators, the county auditor and the county treasurer. Upon compliance with the provisions of this act, and after taking into account all funds available or to become available from all sources other than from the levy of Aiken County property taxes, the county board of education shall recommend to the county auditor the county property tax levy necessary for the operation of the public schools during the period covered by the budget and in accordance therewith. If the county property tax levy recommended by the county board of education is not in excess of that for the current fiscal year and is otherwise within the limits authorized by law, the county auditor shall levy and the treasurer shall collect county property taxes in an amount sufficient to meet this budget. However, the

county board of education shall not recommend, the county auditor shall not impose, and the county treasurer shall not collect, any increase in the county property tax levy over that for the current fiscal year, until the question of such proposed increase in the county property tax levy shall have been presented to the qualified electors of The School District in a referendum held for the purpose of ascertaining their wishes in the matter, and prior approval for such proposed increase in the property tax levy evidenced by a favorable vote of a majority of those voting in the referendum. The referendum shall be ordered and conducted by the county board of education, and the result thereof shall be certified to the county auditor, the county treasurer, and all members of the county legislative delegation, including the Senator. Wide publicity shall be given to the holding of the referendum, and official notice thereof shall be given by publication in a newspaper having general circulation in the county for not less than once a week for three consecutive weeks prior to the date set for the referendum. The notice shall give the date of the referendum, the question to be voted upon, and any other information considered necessary or desirable in order to fully inform the voters.

SECTION 10. Board of trustees.—In Aiken County the county board of education shall, ex officio, be and constitute the board of school trustees.

SECTION 11. Notes may be issued.—The county board of education may issue short-term notes in anticipation of Federal aid, State aid or taxes.

SECTION 12. School terms and holidays.—The county board of education may fix the length of the school term for each school district and the dates for the opening and closing of school terms and may establish holidays.

SECTION 13. Employment contracts to be approved by board.—The county board of education shall examine all contracts for the employment of teachers and other employees and no contract shall be binding upon the board or upon any school district, nor shall any part of the money called for in such contract be paid, until such contract has been approved by the board.

SECTION 14. Additional powers.—In addition to all other powers, the County Board of Education shall be empowered to enter into

contractual arrangements with the school authorities of any school district adjacent to the consolidated School District of Aiken County on such terms and under such conditions as shall be mutually agreeable for the interchange of pupils residing within the consolidated School District of Aiken County and any pupils residing within any school district adjacent to said school district so that pupils residing in the consolidated School District of Aiken County may attend schools of school districts adjacent to the consolidated School District of Aiken County, and/or pupils residing in school districts adjacent to the consolidated School District of Aiken County may attend schools supported by the consolidated School District of Aiken County and located within the consolidated School District of Aiken County.

SECTION 15. Assumption of obligations.—Upon the effective date of this act, all indebtedness of, and other obligations now existing or hereafter incurred by, The School District of Aiken County, as re-established in 1965, and all bonded indebtedness and other obligations of Ridge Spring School District No. 2 of Saluda County shall be and are hereby imposed upon The Consolidated School District of Aiken County, for whose payment, according to their tenor and effect, the faith and credit of The Consolidated School District shall be pledged.

SECTION 16. Time effective. This act shall take effect on July 1, 1967, but only in the event that the constitutional amendment above-recited has duly become a part of the Constitution of South Carolina, 1895; *provided*, that following the ratification of such amendment, the election of members of the Aiken County Board of Education shall be held at the time and in the manner prescribed hereinabove.

Approved the 14th day of May, 1966.

(R1252, H2356)

No. 1055

An Act To Amend Article 16, Chapter 8, Title 14, Code Of Laws Of South Carolina, 1962, As Amended, Relating To The Fairfield County Planning And Development Board, So As To Create The Fairfield County Planning And Development Commission And To Provide For Its Membership, Powers And Duties.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Article 16, Chapter 8, Title 14 amended—Fairfield County Planning And Development Commission.—Article 16, Chapter 8, Title 14, Code of Laws of South Carolina, 1962, as amended, is further amended by changing the name of the Fairfield County Planning and Development Board to the Fairfield County Planning and Development Commission and by providing for such commission's membership, powers and duties, so that when amended the article shall read as follows:

“ARTICLE 16

Fairfield County Planning and Development Commission

Section 14-400.261. There is hereby created the Fairfield County Planning and Development Commission which shall be composed of nine members to be appointed by the Governor upon the recommendation of a majority of the legislative delegation. Of the original appointees two shall serve for terms of one year, two shall serve for terms of two years, two shall serve for terms of three years and three shall serve for terms of four years. Thereafter, the terms of office shall be four years and until their successors are appointed and qualify. The mayor and members of council of incorporated towns and the legislative delegation shall be ex officio members of the commission. Vacancies shall be filled in the same manner as provided for the original appointments and shall be for the unexpired terms. The chairman of the commission shall be elected for a term of one year and may succeed himself.

Section 14-400.262. The commission is created to promote and advance the agricultural, commercial and industrial development of the county, to study the total development within the territorial limits of Fairfield County, to prepare plans which will provide the orderly and economical development of the county and submit these plans to appropriate Federal, State, County and municipal officials having jurisdiction in the county, and encourage execution of these plans. The Fairfield County Planning Area, hereinafter referred to as the 'Planning Area,' shall comprise all of Fairfield County, including both incorporated and unincorporated areas.

Section 14-400.263. The Fairfield County Planning and Development Commission shall have authority to purchase and accept title to, or lease or otherwise acquire, in the name of the county, within the limits of funds appropriated or otherwise made available to it, lands, buildings, utilities and other appurtenances for the promotion

of agricultural, commercial and industrial development in the county. The commission shall have full authority to negotiate with any concern desiring to locate an agricultural, commercial or industrial establishment in Fairfield County, and is hereby authorized to sell, lease, convey and pass title to any lands, buildings, utilities and other related appurtenances purchased by the commission for purposes provided by this article, at such price as may be set by the commission. The commission is further authorized to expend necessary funds in advertising and promoting those features of Fairfield County considered most likely to accomplish the purposes of this article.

Section 14-400.264. It is the purpose and intent of this article that the commission shall offer assistance in the coordination of the plans and programs of local agencies, study development trends and planning problems where there is a need for action on a metropolitan basis and work with other governmental bodies within the county so as to arrive at solutions which serve the best interests of the Planning Area.

All action of the commission shall be designed to guide and accomplish a coordinated and harmonious development of the Planning Area on a continuous basis in accordance with present and future needs in an efficient and economical manner which will best promote the public health, safety, morals, order, convenience, prosperity and general welfare. Such development shall include adequate provision for traffic and transportation facilities, the promotion of safety from fire or other dangers, the prevention and correction of pollution of air and water, promotion of good civic design and arrangement, and the adequate provision of public utilities and other public requirements. The commission shall produce continuing plans for the Planning Area.

The commission shall have authority to:

- (a) Prepare and from time to time revise, amend and add to a continuing plan or plans for the development of the Planning Area;
- (b) Cooperate with and provide planning assistance to municipalities and other local governmental instrumentalities and planning agencies in the county. Such planning assistance shall be limited to surveys, land use studies, technical services and other planning assistance, and, whenever cooperation and assistance include the rendering of technical services, such services may be rendered free or in accordance with an agreement for reimbursement;

(c) Provide information to officials of departments, agencies and instrumentalities of State and local government, and to the public at large, in order to foster public awareness and understanding of the objectives of the commission's plans and to stimulate public interest and participation in the orderly development of the Planning Area;

(d) Hold public and private hearings and sponsor public meetings in any part of the county whenever it deems such hearings or meetings necessary or useful in the execution of its functions;

(e) Exercise all other powers necessary and proper for the discharge of its duties; and

(f) Appoint advisory committees from among citizens of the Planning Area to study any problems or to advise on any problems submitted by the commission.

Section 14-400.265. The commission shall have the power, within the limits of funds appropriated or otherwise made available to it, to: (1) appoint such employees as it may deem necessary for the execution of its duties; (2) contract with persons for special or technical services; and (3) contract with the State of South Carolina, or the Federal Government, or any agency or department thereof, for such services or grants as may be available from such agencies, and to carry out the provisions of such contracts. The commission is authorized to concur in any contracts or to enter into them as co-makers. The commission may accept and disburse in the performance of its functions any funds, grants and services made available by the Federal Government, the State Government, municipal governments within the Planning Area, or any private or civic source.

Section 14-400.266. Members of the commission shall be reimbursed for reasonable traveling expenses from their usual place of business to the place of the meeting of the commission, and other expenses incurred in the performance of their duties as members of the commission."

SECTION 2. Action of present board validated.—All acts or actions of the present board are hereby validated and shall continue in full force and effect.

SECTION 3. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 14th day of May, 1966.

(R1253, H2381)

No. 1056

An Act To Provide That Appointments Or Recommendations Now Made By The Legislative Delegation, Including The Senator, Of Chester County To Certain Governing Bodies Shall Hereafter Be Made By A Majority Of The Legislative Delegation Representing The County.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Construction of certain references concerning approval of Chester County Legislative Delegation.—Notwithstanding any other provision of law to the contrary, members of boards, committees or commissions of Chester County or of school districts, political subdivisions or any other government entity, or any persons whose appointments were heretofore based upon the appointment or recommendation of a majority of the legislative delegation, including the Senator, shall be hereafter recommended or appointed by a majority of the legislative delegation representing the county.

SECTION 2. Time effective.—This act shall take effect January 1, 1967.

Approved the 14th day of May, 1966.

(R1255, H2475)

No. 1057

An Act To Declare The Winnsboro Mills Area In Fairfield County A Bird Sanctuary And To Provide A Penalty.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Winnsboro Mills area in Fairfield County to be bird sanctuary.—The area known as the Winnsboro Mills in Fairfield County which is bounded on the north by the city limits of the Town of Winnsboro, on the south by the intersection of Highways 321, 34 and 215, on the west by the Bypass of Highway 321 and on the east by Golf Course Road is declared to be a bird sanctuary.

It shall be unlawful for anyone to kill or maim any bird within the sanctuary. Anyone violating the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not more than twenty dollars or be imprisoned for a period not to exceed five days.

SECTION 2. Time effective.—This act shall take effect upon approved by the Governor.

Approved the 14th day of May, 1966.

(R1256, H2487)

No. 1058

An Act To Amend Section 65-2489, Code Of Laws Of South Carolina, 1962, Relating To Reports To Be Made By The Delinquent Tax Collector Of Kershaw County, So As To Require That A Report Be Made To The County Governing Body Instead Of The Legislative Delegation And To Delete All References To The Nulla Bona Board From The Provisions Thereof; And To Abolish The Nulla Bona Board Of Kershaw County Provided For In Section 65-2801 And To Devolve Its Duties Upon The Delinquent Tax Collector.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 65-2489 amended—delinquent tax collector to make certain reports.—Section 65-2489, Code of Laws of South Carolina, 1962, is amended so as to require the delinquent tax collector to make a report to the governing body of the county instead of the legislative delegation, and by deleting all references to the nulla bona board. The section when amended shall read as follows :

“Section 65-2489. The delinquent tax collector shall make a written report to the governing body of the county annually reporting the amount of delinquent taxes and any executions which are not collectible, together with any tax liens which are about to expire upon any property in the county, with his recommendations concerning such items. He shall also report any personal property or real property which he finds not listed or which in his opinion is undervalued or overvalued on the tax books and his recommendation as to the fair assessment value of such property. On the second Monday in April of each year the tax collector shall make a report to the grand jury of all uncollected tax lien items which have been in his possession for a period of one year. The grand jury shall make such disposition of the reported items as it deems necessary and proper referring back to the tax collector all items which in its judgment should be collected. The report to the grand jury may be presented in written form

or in a personal appearance or a combination of both, but shall be presented in such manner as to fully inform the grand jury on all tax collection problems. The delinquent tax collector shall comply with any request for any special reports made to him by the grand jury from time to time relative to tax matters.”

SECTION 2. Nulla Bona Board of Kershaw County established.

—The Nulla Bona Board for Kershaw County provided for in Section 65-2801, Code of Laws of South Carolina, 1962, is abolished and all duties of the board are devolved upon the delinquent tax collector of Kershaw County.

SECTION 3. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 14th day of May, 1966.

(R1257, H2545)

No. 1059

An Act To Authorize The School District In Fairfield County To Purchase Insurance Annuity Contracts For Its Employees.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. School District of Fairfield County may purchase insurance annuity contracts for its employees.—The school district of Fairfield County is hereby authorized to enter into agreements to pay, at the request of its employees, a part of the incomes of such employees, not to exceed the exclusion allowance provided in Section 403 (b) (2) of the Internal Revenue Code of the United States for the purchase of annuity contracts from insurers licensed to do business in this State.

SECTION 2. Not to affect certain Code sections.—The provisions of this act shall not affect Sections 61-1 (16), 61-62, 61-80, as amended, or Sections 61-226 (1) and 61-235, Code of Laws of South Carolina, 1962.

SECTION 3. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 14th day of May, 1966.

(R1258, H2552)

No. 1060**An Act To Create An Ambulance Service District In Lancaster County And To Provide A Penalty.**

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Lancaster Ambulance District created.—The Lancaster Ambulance District is hereby created and shall include all of Lancaster County. The governing body of the county shall act as the governing body of the district.

SECTION 2. Governing body to furnish ambulance service.—The governing body shall be charged with the duty of furnishing adequate ambulance service for the residents of the district and may grant a franchise to a private concern, under such terms and conditions as it deems necessary, for the right to furnish ambulance service in the district.

SECTION 3. Penalties.—It shall be unlawful for any person to operate an ambulance service in the district without a franchise or written permission from the governing body. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than one hundred dollars or be imprisoned for not more than thirty days. Each violation shall constitute a separate offense.

SECTION 4. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 14th day of May, 1966.

(R1259, H2581)

No. 1061**An Act To Exempt Certain Property In Marion County From Taxation.**

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Tax exemptions for certain property in Marion County.—Any manufacturing establishment or new business in Marion County, which has been destroyed by fire or otherwise and rebuilds or reenters business, shall be entitled to the tax exemption

provided for pursuant either to Section 65-1563 or Section 65-1563.1, Code of Laws of South Carolina, 1962.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 14th day of May, 1966.

(R1262, H2619)

No. 1062

An Act To Create The Gaston Rural Community Water District In Lexington County, Define Its Area, Provide For The Borrowing Of Moneys And The Repayment Thereof, Establish A Governing Commission Therefor And Prescribe Its Powers And Duties, Prohibit Damage To Property Of The District, And Provide Penalties Therefor.

Whereas, the General Assembly after due investigation has found that the area in Lexington County described below has become populated to an extent that makes it necessary and desirable for the health and welfare of the inhabitants thereof to be served by a publicly-operated water district; and

Whereas, as a consequence of its findings above recited, the General Assembly has determined to constitute the area as a special purpose district, to provide a governing body for the district, and to empower the governing body, as hereinafter provided for. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Gaston Rural Community Water District created in Lexington County—service area.—There is hereby created and established in Lexington County a district to be known as “Gaston Rural Community Water District” which district shall be a public corporation of perpetual succession, and shall have the functions prescribed by this act. The district shall include and be comprised of the following territory:

To reach point of beginning from intersection of highway S 32-65 and Seaboard Air Line Railroad in Gaston, proceed South along Seaboard Railroad 1.45 miles to point of beginning; thence due West 0.78 miles to a point with Geodetic

Coordinates of Latitude $33^{\circ} 47.7'N$, Departure of $81^{\circ} 07.1'W$; thence due North 3.00 miles to a point with Geodetic Coordinates with Latitude of $33^{\circ} 50.8'N$, Departure of $81^{\circ} 07.1'W$; thence due East 3.00 miles to a point with Geodetic Coordinates with Latitude of $33^{\circ} 50.8'N$, Departure of $81^{\circ} 04.0'W$; thence due South 3.00 miles to a point with Geodetic Coordinates with Latitude of $33^{\circ} 47.7'N$, Departure of $81^{\circ} 04.0'W$; thence due West 2.22 miles to point of beginning on Seaboard Railroad. Containing 9.0 square miles.

SECTION 2. To be nonprofit corporation—financing of.—The district shall be incorporated as a nonprofit corporation, and the installation of the lines and appurtenances is to be financed by a loan secured from the United States Government, through the Farmers' Home Administration. The loan shall be repaid from the revenue from the water district.

SECTION 3. To be managed by a board.—The district shall be operated and managed by a board of directors to be known as the "Gaston Rural Community Water District Commission of Lexington County" which shall constitute the governing body of the district. The board shall consist of five resident electors of the area who shall be appointed by the Governor, upon the recommendation of a majority of the Lexington County Legislative Delegation. The delegation shall recommend only such persons as were nominated at a meeting of the residents of the area and certified to the delegation by the chairman and secretary of the meeting. The meeting shall be advertised in a newspaper of general circulation in the area for at least one week, giving the time and place of the meeting. The original appointments shall be for a term of two years for two appointees, for four years for two appointees, and for six years for one appointee. All terms after the initial appointments shall be for six years. All appointees shall hold office until their successors shall have been appointed and qualify. The initial terms of office shall begin as of the effective date of this act. Any vacancy shall be filled in like manner as the original appointment for the unexpired portion of the term. Immediately after appointment, the board shall meet and organize by the election of one of its members as chairman, one as vice-chairman, one as secretary and one as treasurer. The office of the secretary and treasurer may be combined in the discretion of the board.

SECTION 4. Powers and duties.—The district, acting through its governing body, is hereby vested with all such powers as may be

necessary or incidental to carry out its purposes, functions and responsibilities including, but without limitation, the following:

- (1) To have perpetual succession.
- (2) To sue and be sued.
- (3) To adopt, use and alter a corporate seal.
- (4) To define a quorum for meetings.
- (5) To maintain a principal office.
- (6) To make bylaws for the management and regulation of its affairs.
- (7) To build, construct, maintain and operate ditches, tunnels, culverts, flumes, conduits, mains, pipes, dikes, dams and reservoirs.
- (8) To build, construct, maintain and operate distribution systems for the distribution of water for domestic or industrial use.
- (9) To acquire and operate any type of machinery, appliances or appurtenances, necessary or useful in constructing, operating and maintaining the system.
- (10) To contract for or otherwise acquire a supply of water and sell water for industrial or domestic use.
- (11) To prescribe rates and regulations under which such water shall be sold for industrial and domestic use.
- (12) To enter into contracts of long duration for the sale of water with persons, private corporations, municipal corporations, or public bodies or agencies.
- (13) To prescribe such regulations as it shall deem necessary to protect from pollution all water in its pipes, tanks, reservoirs, distribution systems or elsewhere within its system.
- (14) To make contracts of all sorts and to execute all instruments necessary or convenient for the carrying on of the business of the district.
- (15) To acquire, purchase, hold, use, lease, mortgage, sell, transfer and dispose of any property, real, personal or mixed, or any interest therein.
- (16) To make use of county and state highway rights-of-way in which to lay pipes and lines in such manner and under such conditions as the appropriate officials in charge of such rights-of-way shall approve.
- (17) Subject always to the limitations of Section 4, Article VIII of the Constitution of the State, to make use of all the streets and public ways of an incorporated municipality for the purpose of laying pipes and lines.

(18) To alter and change county and state highways wherever necessary to construct the system under such conditions as the appropriate officials in charge of such highways shall approve.

(19) To exercise the power of eminent domain for any corporate function. The power of eminent domain may be exercised through any procedure prescribed by Sections 25-101 through 25-140 and 33-121 through 33-148, Code of Laws of South Carolina, 1962, as now or hereafter constituted, it being the intent of this provision that further amendments and modifications of these code provisions shall be deemed to amend and revise correspondingly the powers granted by this paragraph.

(20) To appoint officers, agents, employees and servants, to prescribe the duties of such, to fix their compensation and to determine if and to what extent they shall be bonded for the faithful performance of their duties.

(21) To make contracts for construction and other services; *provided*, that such contracts shall be let on competitive bidding and shall be awarded to the lowest responsible bidder.

(22) To borrow money and to make and issue negotiable bonds, notes and other evidences of indebtedness, payable from all or any part of the revenues derived from the operation of its system. The sums borrowed may be those needed to pay all costs incident to the construction and establishment of the system, and any extensions, additions and improvements thereto, including engineering costs, legal costs, construction costs; the sum needed to pay interest during the period prior to which the system, or any extension, addition or improvement thereof, shall be fully in operation; such sum as is needed to supply working capital to place the system in operation; and all other expenses of any sort that the district may incur in establishing, extending or enlarging the system. Neither the full faith and credit of the State of South Carolina, nor Lexington County, shall be pledged for the payment of the principal and interest of the obligations, and there shall be on the face of each obligation a statement, plainly worded, to that effect. Neither the members of the board, nor any person signing the obligations, shall be personally liable thereon. To the end that a convenient procedure for borrowing money may be prescribed, the district shall be fully empowered to avail itself of all powers granted by Sections 59-361 through 59-415 and 59-651 through 59-682, of the Code of Laws of South Carolina, 1962, as now or hereafter con-

stituted, it being the intent of this provision that further amendments and modifications of the code provisions shall be deemed to amend and revise correspondingly the powers granted by this paragraph. In exercising the power conferred upon the district by such code provisions, the district may make or omit all pledges and covenants authorized by any provision thereof, and may confer upon the holders of its securities all rights and liens authorized by law. Notwithstanding any provisions of law to the contrary, the district may:

(a) Disregard any provision requiring that bonds have serial maturities, and issue bonds in such form and with such maturities as the district shall determine.

(b) Provide that its bonds, notes or other evidences of indebtedness be payable, both as to principal and interest, from the net revenues derived from the operation of its system, as such net revenues may be defined by the district.

(c) Covenant and agree that upon it being adjudged in default as to the payment of any installment of principal or interest upon any obligation issued by it, or in default as to the performance of any covenant or undertaking made by it, in such event the principal of all obligations of such issue may be declared forthwith due and payable, notwithstanding that any of them may not have then matured.

(d) Confer upon a corporation trustee the power to make disposition of the proceeds from all borrowings and of all revenues derived from the operation of the system, in accordance with the resolutions adopted by the authority as an incident to the issuance of any notes, bonds or other types of securities.

(e) Dispose of bonds, notes or other evidences of indebtedness at public or private sale, and upon such terms and conditions as it shall approve.

(f) Make provisions for the redemption of any obligations issued by it prior to their stated maturity, with or without premium, and on such terms and conditions as the district shall approve.

(g) Covenant and agree that any cushion fund established to further secure the payment of the principal and interest of any obligation shall be in a fixed amount.

(h) Covenant and agree that no free service will be furnished to any person, municipal corporation, or any subdivision or division of the State.

(i) Prescribe the procedure, if any, by which the terms of the contract with the holders of its obligations may be amended, the number of obligations whose holders must consent thereto, and the manner in which consent shall be given.

(j) Prescribe the events of default and the terms and conditions upon which all or any obligations shall become or may be declared due before maturity and the terms and conditions upon which such declarations and their consequences may be waived.

(23) To extend its system or systems, within Lexington County, beyond the defined limits of the district to provide services to those living outside the district and outside any incorporated municipality when, in the discretion of the board, it is feasible and practicable so to do, in which case any person or agency receiving such service shall be subject to the same rules, regulations and requirements concerning services being received from the district as persons residing within the district. The board may, in its discretion, establish rates and charges higher than those within the district for the extension of its system and the provisions of services beyond the limits of the district.

SECTION 5. Rates not to be regulated.—The rate charged for services furnished by the system, as constructed, improved, enlarged and extended, shall not be subject to supervision or regulation by any state bureau, board, commission or like instrumentality or agency thereof.

SECTION 6. Exempt from taxes.—(1) Bonds, notes or other evidences of indebtedness issued pursuant to Section 4 (22) of this act and interest payable thereon are hereby exempted from any and all State, county, municipal and other taxation whatsoever under the laws of this State, and it shall be plainly stated on the face of each such obligation as follows: "The principal of and interest on this (bond), (note or other evidence of indebtedness) are exempted from any and all State, county, municipal and other taxation whatsoever under the laws of the State of South Carolina."

(2) All property of the district shall be exempt from all ad valorem taxes levied by the State, county or any municipality, division, subdivision or agency thereof, direct or indirect.

SECTION 7. Fiscal year, audit and annual report.—The district shall conduct its affairs on the fiscal year basis employed by the State. As shortly after the close of its fiscal year as may be prac-

licable, an audit of its affairs shall be made by certified public accountants of good standing, to be designated by the district. Copies of such audits incorporated into an annual report of the district shall be filed with the Auditor and Treasurer of Lexington County, and with the Secretary of the Legislative Delegation of Lexington County.

SECTION 8. Penalties for unlawful acts.—It shall be unlawful for any person to wilfully injure or destroy, or in any manner hurt, damage, tamper with, or impair the system of the district, or any part thereof, or any machinery, apparatus or equipment of the district, or to pollute the water in any part of its system, or to obtain water therefrom except in accordance with the regulations promulgated by the district. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not less than ten dollars nor more than one hundred dollars, or be imprisoned for not more than thirty days, in the discretion of the court, and shall be further liable to pay all damages suffered by the district.

SECTION 9. Municipalities may purchase water.—The municipalities of Lexington County and all public bodies and public agencies now or hereafter operating water distribution systems in Lexington County shall be fully empowered to enter into contracts to buy water from the district. These contracts shall extend over such period of time and shall contain such terms and conditions as shall be mutually agreeable to the district and to the contracting municipality, public body or public agency.

SECTION 10. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 14th day of May, 1966.

(R1263, H2624)

No. 1063

An Act To Amend Sections 43-970, 43-971 And 43-974, Code Of Laws Of South Carolina, 1962, Defining The Territorial Limits Of Lykesland, Olympia And Waverly Magisterial Districts In Richland County, So As To Change Such Limits.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 43-970 amended—Lykesland Magisterial District defined.—Section 43-970 of the 1962 Code is amended on lines two and three by striking “the southwest corner of the Columbia township line” and inserting “the confluence of Gills Creek”, on line three by striking “run of the” between the words “the” and “Congaree”, on lines three, four, five and six by striking “being directly west of a stone on the east bank of the Congaree River as shown by survey of Columbia township made by Tomlinson Engineering Company, Columbia, S. C., dated April 21 1928,”, on line seven by inserting “along the run of Gills Creek” after the word “direction”, on lines seven, eight and nine by striking “crossing the center line of State Highway No. 48 at a point three hundred feet south of Zion Baptist Church and continuing in a straight line therefrom”, on lines nine, ten, eleven and twelve by striking “U. S. Highway No. 76 at a point nine hundred and fifty feet north of the intersection of the center line of the Leesburg Road and said U. S. Highway No. 76, thence from the point it turns and extends” and inserting “the Southern Railway right of way, thence turning and running in a northwesterly direction along the center line to its intersection with the line separating School Districts 1A and 5 as it existed on January 1, 1966, thence turning and running in a northeasterly direction along the school district line to its intersection with the center line of U. S. Highway No. 76, thence turning and running”. The section when amended shall read as follows:

“Section 43-970. Lykesland district.—The district of the magistrate of Lykesland is described as follows, to wit: Beginning at the confluence of Gills Creek and the Congaree River and extending therefrom in a northeasterly direction along the run of Gills Creek to the center line of the Southern Railway right of way, thence turning and running in a northwesterly direction along the center line to its intersection with the line separating School Districts 1A and 5 as it existed on January 1, 1966, thence turning and running in a northeasterly direction along the school district line to its intersection with the center line of U. S. Highway No. 76, thence turning and running in a southeasterly direction along the center line of said U. S. Highway No. 76 to the center line of the paved county road extending from Lower Richland High School via Hopkins to State Highway No. 48, except where said center line crosses Caughman’s Pond or Mill Creek, where it is the center line of the old location of U. S. Highway No. 76, thence turning and extending therefrom in a southwesterly direction

along the center line of said paved county highway through the western edge of Hopkins and extending therefrom along the center line of said road to its intersection with State Highway No. 48, thence in a southwesterly direction in a straight line to the run of Mill Creek at its intersection with the run of the Congaree River, thence turning and extending therefrom in a northwesterly direction along the run of the Congaree River to the point of beginning."

SECTION 2. Section 43-971 amended—Olympia Magisterial District defined.—Section 43-971 of the 1962 Code is amended on lines nineteen and twenty by striking "to its intersection with the center line of the Southern Railway's right of way" and inserting "to its intersection with the center line of Airport Boulevard, thence turning and running in a southwesterly direction along the center line of Airport Boulevard to its intersection with the center line of South Bonham Road, thence turning and running in a northeasterly direction along the center line of South Bonham Road to the center line of South Ott Road, thence turning and running in a southeasterly and a southerly direction along the center line of South Ott Road to the northern boundary line of the Rosedale Subdivision, thence turning and running in a northwesterly direction along the northern boundary line of the Rosedale Subdivision to the western boundary line of the Rosedale Subdivision, thence turning and running in a southwesterly direction along the western boundary line of the Rosedale Subdivision to the southern boundary line of the Rosedale Subdivision, thence turning and running in a southeasterly direction along the southern boundary line of the Rosedale Subdivision to the center line of South Ott Road, thence turning and running in a southerly direction along the center line of South Ott Road and the extension of that line to the center line of the right of way of the Southern Railway", on lines twenty and twenty-one by striking "in a straight line to the point of interesection with the Columbia township line" and inserting "along the center line to the run of Gills Creek", and on lines twenty-two, twenty-three, twenty-four and twenty-five by striking "across a stone shown by the survey of Columbia township by Tomlinson Engineering Company, Columbia, S. C., dated April 21 1928, to a point where it intersects with the run of the" and inserting "along the run of Gills Creek to the run of". The section when amended shall read as follows:

"Section 43-971. Olympia district.—The district of the magistrate for Olympia is described as follows, to wit: Beginning at the

intersection of the run of the Congaree River and the center line of Blossom Street and extending therefrom in a northeasterly direction along the center line of Blossom Street to a point where it intersects with the center line of Harden Street, thence turning and extending therefrom in a southeasterly direction along the center line of Harden Street to its intersection with the center line of Heyward Street, thence turning and extending therefrom in an easterly direction along the center line of Heyward Street to a point where it intersects with the center line of Woodrow Street, thence in a southerly direction along the center line of Woodrow Street to a point where it intersects with the center line of Rosewood Drive, thence turning and extending therefrom in a northeasterly direction along the center line of Rosewood Drive to a point where it intersects with the center line of South Maple Street, thence south along the center line of South Maple Street to the intersection of it with the center line of Superior Street, thence east along the center line of Superior Street to the center line of South Holly Street, thence in a southerly direction along the center line of South Holly Street to its intersection with the center line of Airport Boulevard, thence turning and running in a southwesterly direction along the center line of Airport Boulevard to its intersection with the center line of South Bonham Road, thence turning and running in a northeasterly direction along the center line of South Bonham Road to the center line of South Ott Road, thence turning and running in a southeasterly and a southerly direction along the center line of South Ott Road to the northern boundary line of the Rosedale Subdivision, thence turning and running in a northwesterly direction along the northern boundary line of the Rosedale Subdivision to the western boundary line of the Rosedale Subdivision, thence turning and running in a southwesterly direction along the western boundary line of the Rosedale Subdivision to the southern boundary line of the Rosedale Subdivision, thence turning and running in a southeasterly direction along the southern boundary line of the Rosedale Subdivision to the center line of South Ott Road, thence turning and running in a southerly direction along the center line of South Ott Road and the extension of that line to the center line of the right of way of the Southern Railway, thence in a southeasterly direction along the center line to the run of Gills Creek, thence turning and extending therefrom in a southwesterly direction along the run of Gills Creek to the run of Congaree River, thence turning and extending therefrom in a northwesterly direction along the run of the Congaree River to the point of beginning."

SECTION 3. Section 43-974 amended—Waverly Magisterial District defined.—Section 43-974 of the 1962 Code is amended on lines thirteen and fourteen by striking “and continuing along said Columbia township line to the” and inserting “, thence turning and running in a northwesterly direction along the center line of U. S. Highway No. 76 to its intersection with the line separating School Districts 1A and 5 as it existed on January 1, 1966, thence turning and running in a southeasterly direction along the school district line to the”, and on lines fifteen and sixteen by striking “in a straight line to the center line of Holly Street,” and inserting “along the center line of South Ott Road and the extension of that line to the southern boundary line of the Rosedale Subdivision, thence turning and running in a northwesterly direction along the southern boundary line of the Rosedale Subdivision to the western boundary line of the Rosedale Subdivision, thence turning and running along the western boundary line of the Rosedale Subdivision in a northeasterly direction to the northern boundary line of the Rosedale Subdivision, thence turning and running in a southeasterly direction along the northern boundary line of the Rosedale Subdivision to its intersection with the center line of South Ott Road, thence turning and running in a northeasterly direction along the center line of South Ott Road to its intersection with the center line of South Bonham Road, thence turning and running in a southwesterly direction along the center line of South Bonham Road to its intersection with the center line of Airport Boulevard, thence turning and running along the center line of Airport Boulevard in a northwesterly direction to its intersection with the center line of South Holly Street,”. The section when amended shall read as follows:

“Section 43-974. Waverly district.—The district of the magistrate of Waverly is described as follows, to wit: Beginning at a point where the Seaboard Air Line Railway’s right of way intersects with the Southern Railway’s right of way and extending therefrom in an easterly direction along the center line of the Seaboard Air Line Railway’s right of way to a point where the Seaboard Air Line Railway’s right of way intersects the Columbia township line, thence running in a southerly direction along the Columbia township line to the southeastern corner of the Columbia township line, excepting the area of Fort Jackson which extends into Columbia township, thence turning and extending therefrom in a southwesterly direction along said Columbia township line crossing U. S. Highway No. 76 at a

point nine hundred and fifty feet north of the center line at its intersection with the center line of the Leesburg Road, thence turning and running in a northwesterly direction along the center line of U. S. Highway No. 76 to its intersection with the line separating School Districts 1A and 5 as it existed on January 1, 1966, thence turning and running in a southeasterly direction along the school district line to the center line of the Southern Railway's right of way, thence in a northerly direction along the center line of South Ott Road and the extension of that line to the southern boundary line of the Rosedale Subdivision, thence turning and running in a northwesterly direction along the southern boundary line of the Rosedale Subdivision to the western boundary line of the Rosedale Subdivision, thence turning and running along the western boundary line of the Rosedale Subdivision in a northeasterly direction to the northern boundary line of the Rosedale Subdivision, thence turning and running in a southeasterly direction along the northern boundary line of the Rosedale Subdivision to its intersection with the center line of South Ott Road, thence turning and running in a northeasterly direction along the center line of South Ott Road to its intersection with the center line of South Bonham Road, thence turning and running in a southwesterly direction along the center line of South Bonham Road to its intersection with the center line of Airport Boulevard, thence turning and running along the center line of Airport Boulevard in a northwesterly direction to its intersection with the center line of South Holly Street, thence turning and extending therefrom along the center line of Holly Street in a northerly direction to a point where it intersects with the center line of Superior Street, thence west along the center line of Superior Street to the point of intersection with the center line of South Maple Street, thence north along the center line of South Maple Street to a point where it intersects with the center line of Rosewood Drive, thence turning and extending therefrom in a westerly direction along the center line of Rosewood Drive to a point where it intersects with the center line of Woodrow Street, thence in a northerly direction along the center line of Woodrow Street to a point where it intersects with the center line of Heyward Street, thence turning and extending therefrom in a northwesterly direction along the center line of Heyward Street to a point where it intersects with the center line of Harden Street, thence in a northwesterly direction along the center line of Harden Street to a point where the extension of Harden Street intersects with the center line

of the Southern Railway's right of way, which is one block north of Calhoun Street, thence turning and extending northeast along the center line of the Southern Railway's right of way to the point of beginning."

SECTION 4. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 14th day of May, 1966.

(R1264, H2636)

No. 1064

An Act To Amend Section 43-51.1, Code Of Laws Of South Carolina, 1962, Providing For The Civil Jurisdiction Of Magistrates In Chester County, So As To Increase Such Jurisdiction From Five Hundred Dollars To One Thousand Dollars.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 43-51.1 amended—jurisdiction of magistrates in Chester County.—Section 43-51.1 of the 1962 Code is amended so as to increase the civil jurisdiction of magistrates in Chester County from five hundred dollars to one thousand dollars by striking on line four the words "five hundred" and inserting "one thousand". The section when amended shall read as follows:

"Section 43-51.1. In Chester County the jurisdiction of magistrates in civil cases shall extend to where the value of the property in controversy or the amount claimed is not more than one thousand dollars."

SECTION 2. Time effective.—This act shall take effect upon approved by the Governor.

Approved the 14th day of May, 1966.

(R1111, H1399)

No. 1065

An Act To Be Known As The Uniform Commercial Code.

(See Appendix in Acts and Joint Resolutions of 1966.)

(R1268, S749)

No. 1066

An Act To Amend Section 47-1007, Code Of Laws Of South Carolina, 1962, Relating To Municipal Boards Of Zoning Adjustment, So As To Provide That In Municipalities Having A Population Of Between Seventy-Five Thousand And Ninety Thousand Inhabitants According To The 1960 United States Census Or From A Determination Of Such Population Made Subsequent Thereto And Certified By The Bureau Of The Census, The Board May Be Composed Of From Five To Seven Members.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 47-1007 amended—board of adjustment.—

Section 47-1007 of the 1962 Code is amended so as to provide that municipal boards of zoning adjustment in municipalities having a population of between seventy-five thousand and ninety thousand inhabitants according to the 1960 United States Census or from a determination of such population made subsequent thereto and certified by the Bureau of the Census, may be composed of from five to seven members by inserting in line eight between the words “members,” and “each” the following: “except that in municipalities having a population of between seventy-five and ninety thousand according to the 1960 United States Census or from a determination of such population made subsequent thereto and certified by the Bureau of the Census, it shall consist of not less than five and not more than seven members,”. The section when amended shall read as follows :

“Section 47-1007. Such local legislative body may provide for the appointment of a board of adjustment and in the regulations and restrictions adopted pursuant to the authority of this article may provide that the board of adjustment may, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of the ordinance in harmony with its general purpose and intent and in accordance with general or specific rules therein contained. The board of adjustment shall consist of five members, except that in municipalities having a population of between seventy-five and ninety thousand according to the 1960 United States Census or from a determination of such population made subsequent thereto and certified by the Bureau of the Census, it shall consist of not less than five and not more than seven members, each to be appointed for a term of three years and to be removable for cause by the appointing authority upon written charges and after public hearing. Vacancies

shall be filled for the unexpired term of any member whose term becomes vacant.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 8th day of June, 1966.

(R1270, S775)

No. 1067

An Act To Create The York County Library; To Provide For Its Governing Body; And To Define The Terms Of Office, Powers And Duties Of The Members Of The Governing Body.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. York County Library created.—There is hereby created an eleemosynary corporation to be known as the York County Library, which shall have all the powers conferred upon such corporation by this act and the other applicable laws of the State.

SECTION 2. To be managed by board—appointments—terms—vacancies.—The corporation shall be governed by a board of trustees consisting of nine members initially; eight of the members shall be appointed from the four school districts in the county on a basis of one member per ten thousand persons in each school district, with a minimum of one member per school district. One additional member shall be appointed by the county board of education from the county at large. The members initially to serve from the school districts shall be appointed by the board of trustees of the school district concerned upon the recommendation of the local library board in existence upon the effective date of this act. Future determination of the population base shall be made each Federal Census year. The board members and officers shall serve without compensation. The terms of the members shall be four years and until their successors are appointed and qualified, with no member serving more than two consecutive terms. Of those members first appointed, four shall serve for two years, and five shall serve for four years, which terms shall be determined by lot at the first meeting of the board. However, those members serving less than one year of an unexpired term may serve two more full terms, but those members serving two-year terms under the initial appointment may serve only a total of

six consecutive years. Vacancies shall be filled in the manner of the original appointment for the unexpired portion of that term only. Vacancies which occur after expiration of the initial terms of appointment shall be filled by the board of trustees of the respective school district concerned. The "at large" member shall continue to be appointed by the York County Board of Education. Members shall be subject to removal for cause by the appointing power.

SECTION 3. Present boards.—The existing library boards already functioning as such under Article 36, Section 42-661 *et seq.* of the Code of Laws of South Carolina, 1962, shall continue to exist, with the right to accept gifts for the exclusive use of their respective libraries and retaining ownership of their present assets, and remaining responsible for maintenance of such libraries under an appropriation from the York County Library. To insure proper continuity of library service until January 1, 1967, and to allow present commitments and obligations to be met, the present board of each library affected by this act is granted authority to expend funds which were allocated to it from 1965 property tax levies. During this period each board will work in close cooperation with the county library board to prepare for and promote unified service.

SECTION 4. Officers—bonds—meetings.—The board shall meet as soon as practicable after appointment and shall elect one of its members as chairman, one as vice-chairman, one as secretary, one as treasurer, and such other officers as may be deemed necessary, and may make rules and regulations for the conduct of its business as may be deemed necessary. The board may require of its treasurer and librarian a suitable bond for the faithful performance of their respective duties. The board shall meet at least four times annually and hold such other meetings as it deems necessary.

SECTION 5. Employ librarian.—The board shall have the exclusive control and management of the York County Library and shall employ a librarian qualified by training and experience to conduct and administer public library service, and such other persons as may be necessary, and may direct and discharge any such employees for cause. No member of the board or member of his immediate family shall be employed by the York County Library.

SECTION 6. Powers.—The York County Library may, by way of amplification and classification but without limiting the generality of powers conferred on it by Section 1:

- (1) Purchase, lease, hold, and dispose of real estate and personal property;
- (2) Acquire books and other informational material and provide for their circulation throughout all sections of the county;
- (3) Accept donations of land, services, materials, books and other things for the establishment and equipping of libraries;
- (4) Enter into agreements for the suitable designation and markings of equipment, rooms, buildings and other library facilities to commemorate the memory of individuals;
- (5) Cooperate or enter into contracts with any State, Federal or other agency when by so doing it will receive substantial aid in carrying out the purposes of the library;
- (6) Enter into contracts with other counties to operate regional or joint libraries and facilities; and
- (7) Generally do all things necessary and proper to establish, equip, maintain, and operate a county library system.

SECTION 7. Members not to contract with board.—No member of the board of trustees shall contract with the board and any such attempted contract shall be void.

SECTION 8. Tax levy and audit.—For the support and maintenance of the county library system, a tax of two mills shall be levied upon all the taxable property of York County, to be levied annually by the county auditor and collected by the treasurer, to become effective for the year 1966. All funds collected on this tax shall be paid by the county treasurer when available to the library board and deposited to its bank account by the library treasurer, but approval of the chairman and treasurer of the library board shall be necessary before any claim or voucher shall constitute a valid claim against such funds. When so approved by the chairman and treasurer of the library board, such claim or voucher shall constitute a valid obligation against the funds credited to the account of the York County Library. This account shall be audited each year by a certified public accountant annually engaged to audit county finances.

SECTION 9. Reports.—The board shall annually, on or before September first of each year, make a report of its activities, showing in summary form its receipts and expenditures, the libraries and bookmobile routes operated by it, the number of books, periodicals and other property owned by it, the character of the service rendered to the people of the county, including the number making use of its serv-

ice, and such other pertinent facts as would show its activities during the preceding fiscal year. Reports shall be filed in the office of the clerk of court for York County.

SECTION 10. Repeal.—All acts or parts of acts inconsistent herewith are hereby repealed.

SECTION 11. Time effective.—The York County Library Corporation as created by this act shall come into being as of July 1, 1966. This act shall take effect upon approval by the Governor.

Approved the 8th day of June, 1966.

(R1272, S719)

No. 1068

An Act To Create The Calhoun County Planning Commission And To Provide For Its Membership, Powers And Duties.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Calhoun County Planning Commission created.—There is hereby created the Calhoun County Planning Commission, hereinafter referred to in this act as "the commission." The commission shall study total development within the county and prepare plans which will promote the orderly and economical development thereof, submit these plans to appropriate Federal, State, county and municipal officials having jurisdiction in the county, and encourage the execution of these plans. The planning area shall comprise all of Calhoun County, including incorporated and unincorporated areas.

SECTION 2. Purpose.—It is the purpose and intent of this act that the commission shall offer assistance in the coordination of the plans and programs of local agencies, study development trends and planning problems where there is a need for action and work with governmental bodies within the county so as to arrive at solutions which serve the best interests of the planning area. Nothing in this act shall be construed to affect the powers and duties of the Calhoun County Development Board, as set forth in Article 10, Chapter 8, Title 14, of the 1962 Code.

All action of the Commission shall be designed to guide and accomplish a coordinated and harmonious development of the planning

area on a continuous basis in accordance with present and future needs in an efficient and economical manner which will best promote the public health, safety, morals, order, convenience, prosperity and general welfare. Such development shall include adequate provision for traffic and transportation facilities, the promotion of safety from fire or other dangers, the prevention and correction of pollution of air and water, promotion of good civic design and arrangement, and the adequate provision of public utilities and other public requirements. The commission will produce continuing plans for the planning area.

SECTION 3. Members—terms—officers—meetings — powers — budget.—The planning commission shall be composed of the following members who shall serve ex officio: members of the Calhoun County Development Board, the Directors of the Calhoun County Chamber of Commerce, and the Executive Secretary of the County Chamber of Commerce. The terms of office of the members shall be coterminous with their terms on the Development Board and the Chamber of Commerce and the term of the Executive Secretary shall be coterminous with his employment with the Chamber of Commerce.

The commission shall elect from among its members a chairman and such other officers as it may choose for such terms as it may prescribe. The commission shall adopt such rules and regulations not inconsistent herewith as it may deem necessary for the proper discharge of its duties. The chairman may appoint such committees as the work of the commission may require.

The commission shall hold regular meetings at least once every three months at places and dates to be determined by the commission. Special meetings may be called by the chairman on his own initiative and must be called by the chairman upon the request of a majority of the members. The commission shall keep a record of its recommendations, transactions, findings and determinations, which record shall be public.

The commission shall have the power, within the limits of funds appropriated or otherwise made available to it, to: (1) appoint such employees as it may deem necessary for the execution of its duties; (2) contract with persons, firms or corporations for special or technical services; (3) contract with the State of South Carolina or the Federal Government, or any agency or department thereof, for such services or grants as may be available from such agencies, and to carry out the provisions of such contracts. The commission is au-

thorized to concur in any contracts or to enter into them as comakers. The commission may accept and disburse in the performance of its functions any funds, grants and services made available by the Federal Government, the State Government, municipal governments within the planning area or any private or civic source.

No later than March first of each year the commission shall submit to the county legislative delegation a proposed budget for the next fiscal year. The commission shall receive such county funds as may be provided by law.

SECTION 4. Powers—further.—The commission shall have authority to: (a) Prepare and from time to time revise, amend, and add to a continuing plan or plans for the development of the planning area; (b) cooperate with and provide planning assistance to municipalities and other local governmental instrumentalities and planning agencies in the county. Such planning assistance shall be limited to surveys, land use studies, technical services and other planning assistance; whenever cooperation and assistance include the rendering of technical services, such services may be rendered free or in accordance with an agreement for reimbursement; (c) provide information to officials of departments, agencies and instrumentalities of State and local government, and to the public at large, in order to foster public awareness and understanding of the objectives of the commission's plans and to stimulate public interest and participation in the orderly development of the planning area; (d) hold public and private hearings and sponsor public meetings in any part of the county whenever it deems such hearings or meetings necessary or useful in the execution of its functions; (e) exercise all other powers necessary and proper for the discharge of its duties; (f) appoint advisory committees from among citizens of the planning area to study any problems or to advise on any problems submitted by the commission.

SECTION 5. Reports.—The commission shall submit to the county legislative delegation quarterly reports of its activities.

SECTION 6. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 8th day of June, 1966.

(R1273, S795)

No. 1069

An Act To Provide A Civil Service Police Commission For The Town Of Woodruff.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Civil Service Police Commission created for Town of Woodruff.—There is hereby created a Civil Service Commission for the Police Department of the Town of Woodruff, to be administered by seven commissioners to be elected by the town council with the duties, powers and authority conferred by this act. The terms of the members shall be for three years and until their successors are elected and qualify, except that of those first elected one shall serve for one year, three shall serve for two years and three shall serve for three years. Vacancies shall be filled by the town council for the unexpired term. Each ward in the town shall have a representative on the commission who shall reside in the ward that he represents and one commissioner who shall be the chief of police shall be elected at large.

SECTION 2. Members—qualifications—salaries.—The members of the commission shall be of good moral character, not less than thirty years of age and shall be residents of the town during their terms of office. They shall be subject to removal from office for cause only, and then after written charges have been preferred and the charges sustained by a two thirds vote of the town council. The salary of the members of the commission shall be set by the town council.

SECTION 3. Powers and duties of commission.—The commission with the consent and advice of the chief of police shall have disciplinary control and supervision over the employees of the police department and shall have the right to employ, promote, demote and discharge any such employee; *provided*, that the chief of police shall be elected by the commission and approved by the town council. The commission shall make and enforce such rules and regulations as it deems advisable and shall fix the requirements of applicants for employment.

SECTION 4. Meetings—officers—minutes.—The commission shall hold meetings at least once each quarter at a fixed time, and extra meetings may be called by the chairman from time to time. A chairman shall be chosen by the commission and the city clerk shall act as

secretary and shall keep accurate minutes and records of all proceedings.

SECTION 5. Not to affect rights of town council.—Nothing in this act shall be construed to deprive the town council of the right to prescribe and require the performance of duties of the personnel of such department nor its right to control the finances, fix the number of employees in the department and the compensation to be paid each and to exercise the exclusive right to purchase all equipment and supplies for this department.

SECTION 6. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 8th day of June, 1966.

(R1274, S789)

No. 1070

An Act To Authorize The Governing Body Of School District No. 2 In Richland County To Expend Funds Of The District Without Prior Approval Of The County Board Of Education Or The County Superintendent Of Education.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Expenditures by Richland County School District 2.—Notwithstanding any other provision of law to the contrary, the funds held and received by the county treasurer for account of the Richland County School District No. 2 from all sources shall be paid out only on the warrant of the district board of school trustees signed by at least three members of the board. The amount so drawn by warrant together with all other funds received from other sources by the board shall be deposited in a bank in the city of Columbia to be selected by the board and disbursed by the board by checks signed by its chairman or any other official designated by the board. The board shall keep an account of all funds received and disbursed as aforesaid under such rules and regulations as the board shall prescribe. Information as to all financial transactions of the district shall be submitted to the Richland County Board of Education as it may require.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 8th day of June, 1966.

(R1275, S790)

No. 1071

An Act To Amend Section 59-450, Code Of Laws Of South Carolina, 1962, Relating To The Sale Or Disposition of Lands Or Properties Of The Seneca Light And Power Plant, So As To Authorize The Disposition Of Such Properties Without The Required Petition And Election.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 59-450 amended—Seneca Light and Water Plant—disposal of properties.—Section 59-450, Code of Laws of South Carolina, 1962, is amended by adding the following: "*Provided*, however, the petition and election provided for by this section shall not be required to approve the sale or disposition of lands or properties of the Seneca Light and Water Plant or Commission of Public Works inundated or flooded by the waters of the proposed Keowee-Toxaway Project of Duke Power Company if such sale or disposition of these properties is made with the approval of the city council and the light and water commission." The section when amended shall read as follows :

"Section 59-450. No disposal by lease, sale or otherwise of the properties and assets of the Seneca Light and Water Plant shall be made without the approval of the Seneca Commission of Public Works and the Mayor and Council of Seneca in council assembled after the question of sale has been submitted to a vote of the qualified electors of the town at an election called and held by a petition of the majority of the freeholders of the town and approved by a majority of those voting at such election. *Provided*, however, the petition and election provided for by this section shall not be required to approve the sale or disposition of lands or properties of the Seneca Light and Water Plant or Commission of Public Works inundated or flooded by the waters of the proposed Keowee-Toxaway Project of Duke Power Company if such sale or disposition of these properties is made with the approval of the city council and the Light and Water Commission."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 8th day of June, 1966.

(R1276, S796)

No. 1072

An Act To Provide For The Issuance Of Construction Permits In Calhoun County; To Prohibit Electric Companies From Making Electrical Connections To A Building Constructed Or Improved Without A Permit; And To Provide A Penalty For Violation.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Construction permits required in Calhoun County.

—It shall be unlawful for any person to construct or improve any building at a cost in excess of five hundred dollars, in Calhoun County, unless an application has been filed with and a permit granted by the county auditor, or a county magistrate for such construction or improvement; *provided*, that no application or permit shall be required for construction or improvement of buildings situate within any incorporated municipality which requires a permit therefor.

SECTION 2. Application forms.—The auditor shall prepare and furnish the county magistrates the application forms, which shall show information to be of assistance to him in locating the real estate on which the construction or improvement is to be made and in checking tax returns. This information shall include, but shall not be limited to, the following: (a) name of owner of the real estate; (b) school district; (c) street number or road and rural post office box number; (d) estimated cost of construction or improvement; (e) type of construction or improvement; (f) type of roof; (g) number of stories; (h) number of rooms; and (i) approximate distance from the limits of the nearest municipality.

SECTION 3. Issuance—fee.—The auditor or a county magistrate shall issue the permit upon the applicant's paying a fee of three dollars. The fees shall be remitted to the county treasurer for deposit in a special fund of the county on the last Monday of each month, together with a copy of each permit issued since previous remittance. The permits shall be numbered and be made in triplicate; the original shall be filed with the county auditor and one copy with the county treasurer.

The permit when issued shall be kept at the building or place where such construction or improvement is being done and on demand shall be produced by the person in charge of such work for inspection by any police officer or properly designated agent of the auditor's office,

and it shall be unlawful to continue the work after demand unless and until the permit is produced for inspection.

SECTION 4. Municipalities to furnish copies.—Every incorporated municipality in the county, requiring permits for the construction or improvement of buildings upon real estate within the municipality, shall furnish to the county auditor copies of all permits issued by the municipality.

SECTION 5. Penalties.—Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine not exceeding one hundred dollars nor less than five dollars or imprisonment not exceeding ten or less than three days. In case of a violation of the provisions of Section 1 of this act, each day that a violation is continued shall constitute a separate offense.

SECTION 6. Electricity not to be furnished without permit.—It shall be unlawful for any public utility company or rural electric cooperative to make a new connection of electrical energy to a building requiring a permit under this act unless such permit was acquired for the construction or improvement of the building. Any company or cooperative making a connection within an incorporated municipality which does not issue building permits shall report to the county auditor's office on or before the tenth of each month the location of each connection.

SECTION 7. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 8th day of June, 1966.

(R1277, S747)

No. 1073

An Act To Provide A System Of County Government For Abbeville County; And To Repeal Article 1, Chapter 17, Title 14, Code Of Laws Of South Carolina, 1962, And To Provide For A Referendum.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. System of government for Abbeville County if election favorable.—Subject to the majority of those voting favorably

in the referendum hereinafter provided for, there is hereby created for Abbeville County a system of local self-government which shall be known as the County Council of Abbeville County and it shall have all the powers and duties as set forth in this act.

SECTION 2. Election of council members—vacancies—meetings—compensation.—The Council shall be composed of seven members with the member elected from the county at large to serve as chairman. An election shall be held on January 17, 1967 for the purpose of electing the members of the Council whose terms shall commence on February 1, 1967. One member shall be elected from the county at large and two members shall be elected from each of the Administrative School Areas 1, 2 and 3 by the voters of the respective areas. Of those first elected, the member at large and the member receiving the highest number of votes in each school area shall serve until January 1, 1971 and the member in each school area receiving the next highest number of votes shall serve until January 1, 1969. Thereafter all subsequent terms of office of council members shall be for terms of four years each. The successor to each initial member shall be elected in the general election preceding the termination of the initial member's term. The term of each successor shall commence on January first following his election.

Any vacancy on the Council occurring before the expiration of the term shall be filled for the unexpired portion of the term by the same method of election as provided for the original elected holder of the office.

Should there be no candidate for any vacancy on the Council, such vacancy shall be filled by the Governor, upon recommendation of the member of the House of Representatives from Abbeville County.

Notwithstanding any provision of law to the contrary, the names of the persons seeking election to the Council in the January 17, 1967 election only shall be placed on the ballot in the following manner. Any person seeking election from the county at large or from School Areas 1, 2 or 3 shall, on or before December 1, 1966, file with the county board of election commissioners a statement that he is a candidate for a certain vacancy.

The Council shall meet at least once each month at a time to be determined by the Council and on the call of the chairman at such other times as may be necessary. Five members of the Council shall constitute a quorum for the transaction of official business. All meetings shall be open to the public except the Council, by majority vote,

may go into executive session. Council members, other than the chairman, shall receive twenty dollars each for the first meeting held in each month and fifteen dollars for each subsequent meeting held in the same month, provided that their monthly compensation shall not exceed fifty dollars, nor shall any member be paid for a meeting which he did not attend. The chairman shall receive one hundred dollars per month, regardless of the number of meetings attended during the month.

SECTION 3. Duties of supervisors devolved upon council—office of director of public works—council to make certain recommendations.—Effective February 1, 1967, all duties heretofore performed by the Supervisor, and the two sub-supervisors, of Abbeville County are hereby devolved upon the County Council. The office heretofore designated as Supervisor of Abbeville County is, effective January 1, 1967, hereby designated the office of Director of Public Works for Abbeville County. The director's duties shall consist of those enumerated in Section 5 (11), and he shall be assisted in his duties by the sub-supervisors. Commencing in 1968 and each four years thereafter, the director shall be elected at the general election for a term of four years and until his successor has been elected and qualifies. The present county supervisor shall serve as director until a person is elected and qualifies for the office in the general election of 1968.

Any appointments in Abbeville County to be made by the Governor upon the recommendation of the Senate shall henceforth be made upon the recommendation of a majority of the County Council except as provided in the Constitution of this State, and any such appointments now made upon the recommendation of a majority of the Abbeville County Legislative Delegation shall henceforth be made upon the recommendation of a majority of the County Council.

SECTION 4. Ordinances.—No ordinance of the Council which levies a tax, or appropriates monies, or incurs bonded indebtedness shall be valid unless the provision shall have been read at three regular meetings of the Council and shall be published in a newspaper of general circulation in the county at least twenty days before the final reading. All ordinances or resolutions of the Council shall be published in full at east once in a newspaper of general circulation in the county at least five days before the effective date. All proceedings of the Council shall be recorded, and annually all ordinances and resolu-

tions passed during the preceding twelve months shall be printed and made available for distribution through the office of the Council.

SECTION 5. Duties.—In addition to the foregoing duties and powers, the County Council is hereby empowered to legislate in reference to such matters of local concern within Abbeville County as herein provided and shall have the following powers:

1. To adopt, use and alter a corporate seal.
2. (a) To acquire by purchase or gift real property in the name of Abbeville County.

- (b) To lease, sell, or otherwise dispose of real and personal property in the name of Abbeville County, including all such property now owned by the county; *provided*, that no lease or sale shall be effected except upon sealed proposals after notice thereof be given by published advertisement at least once not less than seven days prior to the occasion fixed for the opening of bids; *provided*, that a lease or sale may be by negotiation only if at least five members of the Council deem such expedition to be advisable.

- (c) To acquire tangible personal property and supplies.

3. To make contracts and to execute all instruments necessary or convenient for carrying out the functions committed to it.

4. To exercise the powers of eminent domain in the manner provided by the general laws of the State of South Carolina for the South Carolina State Highway Department.

5. To make appropriations and to levy taxes therefor for corporate purposes and for educational purposes, to build and repair public roads, buildings and bridges, to maintain and support prisoners, pay jurors, county officers, and for litigation, quarantine and court expenses and for ordinary county purposes, to support paupers, and to pay past indebtedness and to provide for the general welfare and development of the county.

6. To provide for the receipt, custody, allocation and disbursement of funds accruing to Abbeville County.

7. To provide within the county special services which are considered necessary to public health and welfare.

8. To incur indebtedness in anticipation of the collection of taxes which have been levied.

9. To issue bonds pledging the faith and credit of Abbeville County for the purposes authorized by and within the limits prescribed by the Constitution of the State of South Carolina, including educational purposes, to build and repair public roads, buildings and

bridges, to maintain and support prisoners, pay jurors, county officers, and for litigation, quarantine and court expenses and for ordinary county purposes, to support paupers, and pay past indebtedness. Bonds issued pursuant to this section shall mature serially in such manner as the County Council may provide. They may contain provisions permitting their redemption prior to their stated maturity at premium figures. The Council shall also be empowered to determine the rates of interest the bonds may bear, the method of their execution and sale and all other matters incident to the proper issuance and delivery of the bonds. They shall be empowered to order the levy and collection of ad valorem taxes upon all taxable property in Abbeville County without limitation as to rate or amount sufficient to provide for the payment of the principal and interest on these bonds. Prior to the final adoption of any ordinance providing for the issuance of bonds pledging in any manner the taxing power of Abbeville County, the question of issuing such bonds shall be submitted to the qualified electors of Abbeville County at any general election, or at any special election ordered by the Council for that purpose. Notice of the question to be voted upon shall be given by published advertisement thereof in a newspaper of general circulation in Abbeville County at least once a week for three successive weeks prior to the occasion of the election. If the question be submitted to a special election, the Council shall be empowered to fix the date of such election, and shall, not less than fifteen days before the date so fixed, notify the Board of Election Commissioners for Abbeville County, who shall conduct the election, canvass the votes and announce the results of the election in the manner provided by law.

10. To enter into agreements on matters of local concern with agencies and instrumentalities of the Federal Government, the State Government, political subdivisions of the State, and educational, charitable and eleemosynary institutions.

11. To regulate, control and provide for the construction, maintenance, operation and use of public streets, roads, bridges, sidewalks, drains, courthouses, jails, buildings, prison farms, and other public improvements and facilities.

12. To prescribe methods of accounting for county officers and departments.

13. To supervise and regulate the various departments of the county, except that the duties and functions now provided by law

for the offices of the sheriff, clerk of court, probate judge, coroner, auditor, treasurer, magistrates and administrative superintendent of schools shall not be altered.

14. To create such agencies and departments as may be deemed advisable, and to prescribe their duties and functions; and to alter or transfer the duties and functions of existing offices, agencies or departments, subject to limitations of item 13 of this section.

SECTION 6. Reports and budgets to be made to council.—

Every county official, department, commission, institution or board receiving grants or appropriations from county, State or federal funds shall, on or before October first of each year, make a full and detailed annual report of its financial status, activities and expenditures for the past fiscal year, showing all balances in all accounts controlled by such official, department, commission, institution or board, together with its budget and recommendations for the coming year, to the County Council. Such reports and budgets shall be filed with the County Council on or before October first of each year. The County Council shall, from the reports, prepare a budget for the operation of the county for the ensuing year which must receive at least five votes of the members of the Council before becoming effective. The County Council shall cause to be published the county budget in a newspaper published in the county and such budget shall show in detail the amount of the proposed appropriations, the purposes for which they are to be made, and the millage to be levied by virtue of the same.

SECTION 7. Referendum concerning creation of county council.—

A referendum shall be held at the same time as the general election for 1966 in the county to determine the wishes of the people of Abbeville County as to whether or not they desire the creation of a County Council as the governing body of the county. The county election officials shall have prepared the necessary ballots with the question printed thereon in substantially the following form: "Do you favor the creation of a County Council to be the governing body of Abbeville County?

In favor of ☐

Opposed to ☐

Those voting in favor of the question shall deposit a ballot with a check or cross mark in the square after the words 'In favor of' and those voting against the question shall deposit a ballot with a check or cross mark in the square after the words 'Opposed to'."

The officials responsible for canvassing the results of the election shall, within ten days, certify such results to the clerk of court for the county, the Code Commissioner and the Secretary of State.

SECTION 8. Article 1, Chapter 17, Title 14, repealed.—Article 1, Chapter 17, Title 14, Code of Laws of South Carolina, 1962, generally providing for county government in Abbeville County, is repealed effective January 1, 1967.

SECTION 9. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 8th day of June, 1966.

(R1278, S776)

No. 1074

An Act To Amend Act 387 Of 1963, Relating To The Irmo Fire District In Lexington County, So As To Redefine The Area.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 3 of Act 387 of 1963 amended—area.—Section 3 of Act 387 of 1963 is amended so as to redefine the area of the Irmo Fire District in Lexington County. The section when amended shall read as follows:

“Section 3. The Irmo Fire District in Lexington County shall be bounded as follows:

Beginning at a point where I-26 intersects with I-20 thence following a southwesterly direction on I-20 to the Saluda River, thence northwesterly along the Saluda River to lands of Allied Chemical Corporation, thence along the easternmost boundary of said Allied Chemical Corporation to the tracks of the Columbia, Newberry and Laurens Railroad Company, thence northwesterly along the said Railroad tracks to a point of intersection with S. C. 36, continuing along S. C. 36 and S. C. 107 to a point bordering on the western boundary of the General Electric Plant, thence running in a southerly direction to the Saluda River, thence running in a westerly direction along the Saluda River to lands of the S. C. Electric and Gas Company, thence north and east along a spur track to S. C. 107, thence along S. C. 107 where it joins S. C. 271 and along S. C. 271

where it joins S. C. 356, thence northerly along S. C. 356 to Irmo City limits running along and including Irmo City line to I-26, thence along I-26 to the point of beginning.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 8th day of June, 1966.

(R1280, S755)

No. 1075

An Act To Create The Greenwood County Outdoor Recreation And Parks Commission And To Repeal Section 6 Of An Act Of 1966 Bearing Ratification No. 847 Which Created The Lake Greenwood Recreation Commission.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Greenwood County Outdoor Recreation and Parks Commission created.—There is hereby created the Greenwood County Outdoor Recreation and Parks Commission, which shall be composed of seven members appointed by the Governor upon recommendation of the majority of the Legislative Delegation from Greenwood County, and which shall be representative of all recreational activities in the county, including fishing, water sports, and shall specifically include at least one residential property owner on Lake Greenwood. Members shall be appointed for terms of two years each and until their successors are appointed and qualified. The commission shall develop plans for an orderly development of adequate outdoor recreational facilities for Greenwood County and act as the agency to coordinate the development of such plans with the present State-Federal Outdoor Recreation Plan, under which grant assistance is available for physical facilities. It shall also act as the agency to administer such plans in Greenwood County, within the limits of funds as are annually appropriated for such purpose. It shall also advise the governing body of the county regarding the opening of Greenwood State Park in the event that such opening becomes legally possible.

SECTION 2. Section 6 of Act 1293 of 1966 repealed.—Section 6 of that act of 1966 bearing Ratification No. 847 is repealed and the duties and powers of the Lake Greenwood Recreation Commission

as provided in that act are hereby devolved upon the Greenwood County Outdoor Recreation and Parks Commission.

SECTION 3. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 8th day of June, 1966.

(R1281, S774)

No. 1076

An Act To Create An Additional Voting Precinct In Georgetown County.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Georgetown County voting precinct created.—There is hereby created an additional voting precinct in Georgetown County to be designated as Georgetown No. 7 at or near Johnny Holme's Store.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 8th day of June, 1966.

(R1283, S780)

No. 1077

An Act To Amend Section 23-177, Code Of Laws Of South Carolina, 1962, As Amended, Relating To Voting Precincts In Greenwood County, So As To Further Provide For Such Precincts.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 23-177 amended—Greenwood County voting precincts designated.—The first paragraph of Section 23-177 of the 1962 Code, as amended, is further amended by striking it out and inserting in lieu thereof the following :

“In Greenwood County there shall be the following voting precincts: Coronaca; Cokesbury; Hodges; Riley; Verdery; Callison; Ninety-Six; Bradley; Phoenix; Cambridge; Kirksey's; Oak Grove; Epworth; Shoals Junction; Dyson; Panola; Ware Shoals; Laco;

Troy; Greenwood Mill; Ninety-Six Mill; Harris; Greenwood, Ward 1, Precinct 1; Greenwood, Ward 2, Precinct 2; Greenwood, Ward 3, Precinct 3; Greenwood, Ward 4, Precinct 4; Greenwood, Ward 5, Precinct 5; Greenwood, Ward 6, Precinct 6; Stony Point; Glendale; and Voting Place No. 2, Greenwood, No. 1."

SECTION 2. Section 23-177 amended—Greenwood County voting precincts.—Section 23-177 of the 1962 Code, as amended, relating to voting precincts in Greenwood County, is further amended by deleting the following:

"Harris Mill—Comprising the property of Harris Mill owned by Greenwood Mills which is within the boundaries of Greenwood No. 3." and by adding at the end of the section the following:

"Laco—Comprising the precincts heretofore known as Laco and all of Greenwood, Ward 6, lying outside of the limits of the City of Greenwood with the exception of that portion of Ward 6 lying to the north of the route of the new highway by-pass connecting Highways 670 and 25 with Highway 72, and also north of a line extending from the point of conjunction of said by-pass extension and Highway 670 westerly to the point of conjunction with Road S-148 (West Alexander Avenue Extension), this excluded territory being those areas generally known as the Blyth Heights—Davis Street area and the Florida Avenue area."

SECTION 3. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 8th day of June, 1966.

(R1286, S802)

No. 1078

An Act To Amend Section 15-1813, Code Of Laws Of South Carolina, 1962, Relating To Exceptions For Masters In Certain Counties, So As To Delete The Exception For Richland County And To Insert A New Provision That In Richland County The Master Shall Not Be Allowed To Practice Law.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 15-1813 amended—practice of law by masters.—Section 15-1813 of the 1962 Code is amended on line

three by striking the word "Richland" and by adding the following at the end of the section:

"(7) Richland County shall not be allowed to engage in the practice of law."

The section when amended shall read as follows:

"Section 15-1813. The provisions of Section 15-1812 shall not apply to the masters for Aiken, Barnwell, Florence, and Sumter Counties.

The master for:

(1) Kershaw County shall be allowed to practice in the court of common pleas on the law side of the court;

(2) Abbeville County, if otherwise qualified, shall be allowed to practice law in all of the courts in this State and the United States except in matters of equity in which he may have to act officially;

(3) Lee County, if otherwise qualified, may practice law in all of the courts in this State and the United States except in equity matters in the court of common pleas of Lee County;

(4) Horry County shall not be restricted in the practice but all cases in which he acts as attorney shall be tried by the clerk of court as special master or by such other person as may be appointed by the court as special master;

(5) Berkeley County shall be allowed to practice law in all of the courts of this State and the United States;

(6) Dorchester County, if otherwise qualified, shall be authorized to practice law in all of the courts in this State and the United States, but all referable cases in which he acts as attorney shall be referred to the clerk of court as special master or to such other person as may be appointed by the resident or presiding judge as special master; and

(7) Richland County shall not be allowed to engage in the practice of law."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 8th day of June, 1966.

(R1292, S678)

No. 1079

An Act To Amend Act No. 993 of 1964, Relating To The Horry County Commission For Technical Education, So As To Include Georgetown County.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 2 of Act 993 of 1964 amended—Horry-Georgetown Commission for Technical Education created.—Section 2 of Act No. 993 of 1964 is amended by striking it in its entirety and inserting in lieu thereof the following so as to make the Horry Commission for Technical Education the Horry-Georgetown Commission for Technical Education and to provide for the membership thereon from Georgetown County :

“Section 2. There is hereby created, as an administrative agency of Horry and Georgetown Counties, a commission to be known as the ‘Horry-Georgetown Commission for Technical Education’ (hereinafter referred to as the ‘Commission’), which shall consist of six qualified registered electors of Horry County and three of Georgetown County. All appointments to office of the Commission shall be made by the Governor, upon the recommendation of a majority of the legislative delegation, including the resident Senator of the respective counties from which members are appointed. Of those first appointed for Horry County, two members shall have terms of one year each, two members shall have terms of two years each, and two members shall have terms of three years each; and of those first appointed from Georgetown County, one member shall have a term of one year, one member shall have a term of two years, and one member shall have a term of three years. Thereafter, their successors shall be appointed for terms of three years in the same manner as those originally appointed. If any vacancy shall arise, a successor shall be appointed by the Governor for the balance of the unexpired term in the same manner as the original appointments were made. The members of the Commission shall hold office until their successors shall have been appointed and shall qualify. Initial terms of office shall commence July 1, 1963 as to members from Horry County, and July 1, 1966 as to members from Georgetown County, notwithstanding that a delay in making appointments shall lessen the duration of the terms of office. A transcript of the record of the initial organization shall be filed with the clerk of court in order to reflect the initial membership of the Commission and those who shall become

its officers. *Provided*, that the present members and officers of the Horry-Marion Technical Education Commission from Horry County are hereby designated as members of the Commission and shall hold office for the term for which each was originally appointed or elected. *Provided*, further, the Commission shall elect one of its members as chairman, another as vice-chairman, and a third as secretary. Those elected to these offices, prior to the effective date of this act, shall continue to serve in such capacity until such time as their successors are to be elected."

SECTION 2. Section 3 of Act 993 of 1964 amended—duties.—Section 3 of Act No. 993 of 1964 is amended by striking it in its entirety and inserting in lieu thereof the following so as to include Georgetown County:

"Section 3. The Commission shall provide for the creation, maintenance, and operation of a technical educational center. The counties shall provide the funds necessary to construct and maintain the center, the ownership of which shall revert to the governing bodies of Horry and Georgetown Counties, in proportion to their respective contributions, in the event of dissolution of the Commission. There shall be developed and carried out at such center the following:

1. A program coordinated with our industrial expansion effort which will provide immediate training for established industries and provide immediate training for particular industries in accordance with Sections 21-701 through 21-703 of the 1962 Code."

SECTION 3. Item 10 of Section 4 of Act 993 of 1964 amended—expend funds.—Item 10 of Section 4 of Act No. 993 of 1964 is amended by inserting between the words "County" and "to" on line three the words "or Georgetown County" so as to include Georgetown County. When amended the item shall read as follows:

"10. To expend any funds received in any manner, including the proceeds derived from any bonds which may be issued by Horry County or Georgetown County to defray any costs incident to the establishment of adequate facilities for the program, and thereafter to expend such funds as may be appropriated for the operation, maintenance, and improvement of the facilities."

SECTION 4. Section 5 of Act 993 of 1964 amended—records and audit.—Section 5 of Act No. 993 of 1964 is amended by striking the word "the" on line six and inserting in lieu thereof the word

“each” so as to include Georgetown County. When amended the section shall read as follows:

“Section 5. The Commission shall at all times keep full and accurate account of its acts and of its receipts and expenditures, and at least once within four months, following the close of its fiscal year, a complete audit of its affairs shall be made by a qualified public accountant. Copies of the audit shall be filed with the secretary of each county legislative delegation.”

SECTION 5. Section 6 of Act 994 of 1964 amended—reports.—Section 6 of Act No. 994 of 1964 is amended by striking the word “delegation” on line three and inserting in lieu thereof the word “delegations” so as to include Georgetown County. When amended, the section shall read as follows:

“Section 6. Not less frequently than annually the Commission shall make a written report of the activities of the Commission and file a copy with each member of the legislative delegations.”

SECTION 6. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 8th day of June, 1966.

(R1295, S764)

No. 1080

An Act To Prohibit Any School District In Anderson County From Increasing Its Millage More Than Five Mills In Any One Fiscal Year Without Prior Approval Of The Qualified Electors.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Increase in school taxes to be voted on in Anderson County.—No school district in Anderson County shall increase its tax levy more than five mills in any one fiscal year without having obtained the prior approval of a majority of the qualified electors of the district in a referendum.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 8th day of June, 1966.

(R1296, S765)

No. 1081

**An Act To Create The Lake Robinson Recreation Authority
In Darlington And Chesterfield Counties.**

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Lake Robinson Recreation Authority created.—

There is hereby created the Lake Robinson Recreation Authority in Darlington and Chesterfield Counties for the purpose of developing and supervising Lake Robinson and lands adjacent thereto as may be made available to the Authority by the Carolina Power and Light Company as a recreational area under such terms and conditions as may be mutually agreed upon between the company and the Authority.

SECTION 2. Members—appointments—terms—officers—powers and duties.—

The authority shall be composed of four resident electors of Darlington County to be appointed by the governing body thereof and four resident electors of Chesterfield County to be appointed by the governing body of that county. The terms of the members of the Authority shall be four years and until their successors have been appointed and qualify, except of those first appointed two members from Darlington County and two members from Chesterfield County shall serve terms of two years. Any vacancy shall be filled by the appropriate appointing authority for the balance of the unexpired term only. All members shall hold office for their respective terms and until their successors have been appointed and qualify.

Immediately upon the appointment of the Authority it shall organize by electing one of its number as chairman, a second as vice-chairman and a third as secretary. The officers of the Authority shall hold office for terms of one year and until their successors are elected and qualify. It shall be the duty of the Authority to see that a record of the appointees shall be filed in the Clerk of Court's office in Darlington and Chesterfield Counties so as to indicate the persons holding office as members of the Authority and the duration of their respective terms. No member of the Authority shall receive any compensation for his services as a member of the Authority.

Subject to a contract to be mutually agreed upon between the Carolina Power and Light Company and the Authority, the Authority shall exercise the following powers and duties:

(1) Establish, maintain and operate on the recreational tract suitable facilities for public recreation including but not limited to

roads, parking areas, picnic tables, sanitary facilities, camping sites and concession stands;

(2) Supervise and control the use by the public and the conduct on the recreational tract, the waters of the lake and the perimeter strip;

(3) Lease concession privileges and charge a reasonable fee for the use of the recreational tract and its facilities;

(4) Sublease portions of the perimeter strip with the form of the lease subject to the approval of the Company;

(5) Permit subleased portions of the perimeter strip to be used for piers, launching ramps and boat houses approved by it; and

(6) Accept and expend funds coming into its possession for the purposes enumerated herein. Darlington and Chesterfield Counties, and the municipalities located therein, are authorized to make from available funds annual contributions to the Authority for the purpose of defraying the necessary expenses of its operation.

(7) To enter into agreements to provide for policing of the waters and lands under the supervision or control of the Authority by deputy sheriffs or other law enforcement officers, and to employ for such purposes special deputies or constables.

(8) To prepare recommendations for zoning laws and plans for the area in the vicinity of Lake Robinson under the jurisdiction of Authority.

SECTION 3. Quorum.—A majority of the said Authority shall constitute a quorum to do business. The chairman of the Authority shall not vote on any question or issue considered and voted on by the said Authority except in cases where there is a tie vote on any pending question or issue before the Authority.

SECTION 4. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 2nd day of June, 1966.

An Act To Authorize The School District Of Kershaw County To Purchase Insurance Annuity Contracts For Its Employees.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Kershaw County School District may purchase annuities for its employees.—The school district of Kershaw County is hereby authorized to enter into agreements to pay, at the request of its employees, a part of the incomes of such employees, not to exceed the exclusion allowance provided in Section 403(b) (2) of the Internal Revenue Code of the United States, for the purchase of annuity contracts from insurers licensed to do business in this State.

SECTION 2. Not to affect certain code sections.—The provisions of this act shall not affect Sections 61-1(16), 61-62, 61-80, as amended, or Sections 61-226 (1) and 61-235, Code of Laws of South Carolina, 1962.

SECTION 3. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 8th day of June, 1966.

(R1299, S777)

No. 1083

An Act To Amend Section 23-161, Code Of Laws Of South Carolina, 1962, Relating To Voting Precincts In Berkeley County, So As To Change Highland Park And Remount Road To Hanahan.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 23-161 amended—Berkeley County voting precincts designated.—Section 23-161 of the 1962 Code is amended by striking on line four the words "Highland Park and Remount Road" and inserting "Hanahan". The section when amended shall read as follows :

"Section 23-161. In Berkeley County there shall be the following voting precincts: Alvin; Bannisterdown; Huger; Berkeley; Betheria; Bonneau; Cain Hoy; Carnes Cross Roads; Cordesville; Cross; Goose Creek; Hanahan; Hilton's Cross Roads; Honey Hill; Jamestown; Lebanon; Macedonia; Mepkin; McBeth; Moncks Corner; Pinopolis; Russellville; Shulerville; St. Stephen; Wassamasaw; and Wide Awake."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 8th day of June, 1966.

(R1300, S778)

No. 1084

An Act To Amend Section 65-1587, Code Of Laws Of South Carolina, 1962, Relating To Tax Exemptions For Masonic Lodges In Certain Counties, So As To Include Those In Berkeley County.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 65-1587 amended—tax exemptions for Masonic Lodges in certain counties.—Section 65-1587, Code of Laws of South Carolina, 1962, as amended, is further amended by inserting "Berkeley," between "Barnwell" and "Colleton" so that, when so amended, the section shall read:

"Section 65-1587. All property owned by Masonic lodges in Allendale, Barnwell, Berkeley, Colleton and Hampton Counties shall be exempted from all State, county, school and municipal taxes. The auditor of each of said counties shall leave off the tax books of his county the property mentioned in this section."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 8th day of June, 1966.

(R1301, S786)

No. 1085

An Act To Amend Section 14-1085, Code Of Laws Of South Carolina, 1962, As Amended, Relating To Boards Of Rural Fire Control In Berkeley County, So As To Provide Boards For The Moncks Corner And Bonneau Areas And To Increase The Number Of Members Of Each Board From Three To Seven.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 14-1085 amended—boards of rural fire control established in Berkeley County.—Section 14-1085, Code of Laws of South Carolina, 1962, as amended, is further amended by adding after item (6) the following so as to provide Boards of Rural Fire Control for Moncks Corner and Bonneau:

"(7) The area outside the town of Moncks Corner encompassed within old School Districts Nos. 8, 9, 10, 11, 12, 13, 17, 22 and 25;

(8) The Bonneau area encompassed within old School Districts Nos. 4½ and 5."

The section is further amended by striking on line thirty-six of Section 1 of Act No. 1066 of 1964 the word "three" and inserting "seven". The section when amended shall read as follows:

"Section 14-1085. There are established Boards of Rural Fire Control for the following areas in Berkeley County:

(1) The area outside of the town of St. Stephen encompassed within old School Districts Nos. 5½, 6 and 7;

(2) The Cross area encompassed within the old School Districts Nos. 13, 14, 15 and 17;

(3) The Macedonia area encompassed within old School District No. 4;

(4) The area outside the town of Jamestown encompassed in old School District No. 3;

(5) The Caromi area bounded as follows:

Starting at intersection of U. S. Highways 176 and 17A, known as Carnes Crossroads, and extending from thence westwardly and south-westwardly along U. S. Highway 17A to its intersection with U. S. Highway I-26; thence extending southeastwardly along U. S. Highway I-26 to its intersection with State Highway 62; thence extending southwestwardly along State Highway 62 to its intersection with U. S. Highway 78; thence extending southeastwardly along U. S. Highway 78 to its intersection with Goose Creek; thence extending along the run of Goose Creek (the county line) eastwardly to a fork of the creek running generally northwardly; thence extending northwardly along the fork or an extension thereof to its intersection with U. S. Highway 176; thence extending northwestwardly along U. S. Highway 176 to its intersection with U. S. Highway 17A, the point of beginning; *provided*, that such area shall be inclusive of the area immediately adjacent to and to the west of the boundary along U. S. Highway 17A; *provided*, further, that such area shall be exclusive of Pine Vista Subdivision area;

(6) The Goose Creek-Mount Holly area lying outside the town of Goose Creek;

(7) The area outside the town of Moncks Corner encompassed within old School Districts Nos. 8, 9, 10, 11, 12, 13, 17, 22 and 25;

(8) The Bonneau area encompassed within old School Districts Nos. 4½ and 5.

Each to be composed of seven members, who shall be appointed by the Governor upon the recommendation of a majority of the county legislative delegation and shall serve for terms of three years. The members of the Boards shall serve without pay. Each Board shall

annually file a report with the county legislative delegation, supervisor and treasurer not later than November first of each year showing all activities and disbursements made by the Board during the year."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 8th day of June, 1966.

(R1303, S805)

No. 1086

An Act Declaring Kershaw County Park In Kershaw County As A Game Sanctuary And To Provide Penalties.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Kershaw County Park to be game sanctuary.—The land owned or leased to Kershaw County to be used as a county park and streams or creeks entering into the lands are declared to be a sanctuary for the protection of game, birds and animals. There shall be no hunting, trapping, fishing or trespassing thereon. Fishing shall be permitted by persons obtaining fishing permits from the management of the Kershaw County Park. Fishing shall not be permitted in the swimming area or when water in the lake is low for repairs.

SECTION 2. Area to be posted.—The management of the Kershaw County Park shall post along the outer boundaries of the land and mouths of all streams and creeks entering into the Kershaw County Park signs notifying the public that the area is a sanctuary and closed to hunting and fishing except as authorized.

SECTION 3. Flowers and plants not to be moved.—No flowers, shrubs, trees or plants shall be removed from the park without permission from the management.

SECTION 4. Alcoholic beverages prohibited.—No alcoholic beverages or persons under the influence of alcohol shall be permitted in the Kershaw County Park.

SECTION 5. Dogs to be on leashes.—Dogs must be on a leash, except those used in the Field Trial Club events.

SECTION 6. Not to be used for dumping.—The Kershaw County Park shall not be used as a dumping place for trash, garbage or other refuse.

SECTION 7. Use of land for field trials.—A part of the Kershaw County Park, about four hundred twenty-one acres, east of Pine Tree Creek, North of Burkett Branch, South of the land owned by Bowater Co. and T. L. Myers and west of land owned by Bowater Co., and Bud Smith may be used by the Mid-Carolina Field Trials Clubs. The maintenance and development of these grounds into field trial grounds shall be under the supervision of the Mid-Carolina Field Trial Club. The club shall pay the costs of developing and maintaining such grounds. All clubs sponsoring trials on the grounds shall obtain permission from the South Carolina Wildlife Resources Commission before such trial is held. Field trial dogs shall be permitted to exercise and train on the grounds during field trial seasons only when a trial is not in progress. Trapping of released birds will be permitted by clubs for use in future trials only. Only blank ammunition shall be used on trial area. Superintendent of Kershaw County Park shall maintain jurisdiction over game law enforcement and security of this area.

SECTION 8. Penalties.—Any person convicted of violating the provisions of this act shall be guilty of a misdemeanor and shall be subject to a fine of not more than one hundred dollars or imprisonment for a period not exceeding thirty days, or both.

SECTION 9. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 8th day of June, 1966.

(R1305, S808)

No. 1087

An Act To Amend Sections 43-781 And 43-782, Code Of Laws Of South Carolina, 1962, As Amended, Relating To The Jurisdiction And Venue Of Magistrates In Georgetown County, So As To Further Provide Therefor.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 43-781 amended—appointment of magistrates in Georgetown County.—Section 43-781, as amended, of the

1962 Code is further amended to read as follows so as to delete the provision making townships No. 5 and 6 a single magisterial district. When amended the section shall read as follows:

“Section 43-781. A sufficient number of magistrates in Georgetown County shall be appointed and commissioned by the Governor by and with the advice and consent of the Senate.”

SECTION 2. Section 43-782 amended—jurisdiction of magistrates in Georgetown County.—Section 43-782, as amended, of the 1962 Code is further amended by striking it out in its entirety so as to further provide for the jurisdiction and venue of magistrates in Georgetown County. When amended, the section shall read as follows:

“Section 43-782. All magistrates in Georgetown County shall have county-wide jurisdiction in all civil and criminal matters. *Provided*, that any defendant shall have the right to have the matter transferred to the office of the magistrate nearest the place where the alleged crime or act complained of was committed or occurred. *Provided*, further, that any civil or criminal action brought in the office of the magistrate located in the City of Georgetown may not be so transferred and such magistrate shall have countywide venue. *Provided*, further, that in the event a magistrate is unable to perform his duties because of absence or incapacity or in the event of his death any adjoining magistrate shall have venue to dispose of such matters.”

SECTION 3. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 8th day of June, 1966.

(R1306, S794)

No. 1088

An Act To Amend Section 32-66, Code Of Laws Of South Carolina, 1962, Relating To The Rock Hill Board Of Health, So As To Provide That A City Physician May Be Elected To The Board.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 32-66 amended—City of Rock Hill Board of Health.—Section 32-66 of the 1962 Code is amended by strik-

ing the word "shall" on line five and inserting "may". The section when amended shall read as follows:

"Section 32-66. In the city of Rock Hill the board of health shall consist of five members, one of whom shall be a practicing physician of not less than two years' standing in the practice of his profession, and a member shall be appointed on the first Tuesday of June in each year. The said board may, in addition to a secretary and a health officer, elect a city physician and a dairy inspector, who shall for the proper performance of their duties have and exercise the powers and authority of a policeman of said city. The city physician and dairy inspector shall receive such salaries as may be fixed by the board and shall hold office at the pleasure of the board. The salaries shall be paid from city funds. The board of health may make all needful rules and regulations for the promotion of the best sanitary conditions in the city of Rock Hill and may enforce the same by such penalties as are proper within the limit prescribed to the city council for the enforcement of city ordinances. For this purpose the board shall have all the powers, functions and privileges and be subject to all of the duties, responsibilities and liabilities provided in this chapter with respect to the local boards of other cities and towns. All penalties for the violation thereof, as well as expenses necessarily incurred in carrying into effect the same, shall be recovered for the use of the city council in the same manner as penalties for the violation of city ordinances, subject to the like limitations as to the amount thereof."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 8th day of June, 1966.

(R1308, S799)

No. 1089

An Act To Amend Section 23-173, Code of Laws of South Carolina, 1962, Relating To Voting Precincts In Fairfield County, So As To Delete Longtown Precinct And To Provide For The Voters Of Such Precinct To Vote At The Ridgeway Precinct.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 23-173 amended—Fairfield County voting precincts designated.—Section 23-173 of the 1962 Code is amended

by striking the word "Longtown;" on line three so that when amended the section shall read as follows:

"Section 23-173. In Fairfield County there shall be the following voting precincts: Centerville; Feasterville; Horeb; Mitford; Monticello; Ridgeway; Winnsboro; Woodward; Greenbrier; Lebanon; Jenkinsville; Winnsboro Mills; South Winnsboro; New Hope; Blairs; Gladden Grove; Hickory Ridge; White Oak; Simpson; and Blackstock."

SECTION 2. Longtown electors to vote at Ridgeway.—After the effective date of this act the electors voting at Longtown precinct shall vote at the Ridgeway precinct.

SECTION 3. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 8th day of June, 1966.

(R1311, S806)

No. 1090

An Act To Establish A Board Of Rural Fire Control For Greenwood County, And To Provide For Its Powers And Duties.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Board of Rural Fire Control created for Greenwood County.—For the purpose of encouraging and promoting rural and suburban fire protection and control in Greenwood County, a Board of Rural Fire Control for the county, hereinafter referred to as the "board", is hereby established. The board shall consist of seven members, to be appointed by the Governor, upon the recommendation of a majority of the legislative delegation representing Greenwood County, for terms of four years and until their successors are appointed and qualify.

SECTION 2. Study and survey.—The board shall make a study and survey of the rural and suburban fire protection and control problem in the county, with a view to aiding and encouraging the creation of rural and suburban fire control associations. It shall include in its study a survey of the financial aspects involved in affording rural and suburban fire control and protection, including a study of the possible relationship between the fire control program of the City

of Greenwood and the affording of protection to the suburban areas surrounding the city, and the possibilities and advantages inherent in a joint city-suburban control program of substations around the perimeter of the city.

SECTION 3. Comprehensive plan.—Before taking any other action pursuant to this act, the board shall conduct the study and survey provided for in Section 2 and shall formulate a comprehensive plan of rural and suburban fire control for the county, including the establishment or designation of areas or districts of fire control responsibility throughout the county, so as to obtain the maximum fire control coverage at the minimum of cost. No further provision of this act shall become effective until after the submission of such plan to the governing body of the county and the approval of such plan by the governing body of the county, with the appropriation and provision of funds for the implementation of such plan.

SECTION 4. Powers and duties.—Upon approval of the comprehensive plan of rural and suburban fire control of the board, it may promulgate rules and regulations for the proper organization and establishment of rural and suburban fire control associations under the terms of this act. The board shall have the power to enter into agreements and contracts with the municipalities of the county which maintain organized fire departments for the purpose of mutually advantageous arrangements for the improvement of fire protection within such municipalities, and the providing of fire protection to surrounding suburban and rural areas. The board may, from funds made available to it or borrowed for its purposes, purchase fire trucks suitable for rural use in controlling and fighting fire. Such trucks shall be standard equipment and as nearly uniform as possible so as to allow interchange and coordinated use in an emergency and to make possible efficient and economic maintenance and upkeep. All such equipment purchased under this act shall remain the property of the county. The responsibility for the use, operation, maintenance, upkeep and housing of such equipment shall be solely with the rural fire protection association or municipality to which the equipment is assigned. The board may assign and reassign, if necessary, fire-fighting trucks and equipment to any place within the county that it deems best in order to carry out the purposes of this act.

SECTION 5. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 8th day of June, 1966.

(R1313, H1017)

No. 1091

An Act To Amend Sections 72-151, 72-152 And 72-160 Of The 1962 Code, Relating To Total Disability, Partial Disability And Death Benefits Payable Under The South Carolina Workmen's Compensation Law, So As To Increase The Benefits.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 72-151 amended—compensation for total disability.—Section 72-151 of the 1962 Code is amended by striking on line 5 “thirty-five” and inserting in lieu thereof “fifty”, so that when so amended the section shall read as follows :

“Section 72-151. When the incapacity for work resulting from an injury is total, the employer shall pay, or cause to be paid, as provided in this chapter, to the injured employee during such total disability a weekly compensation equal to sixty per cent of his average weekly wages, but not more than fifty dollars, nor less than five dollars a week; and in no case shall the period covered by such compensation be greater than five hundred weeks.

The loss of both hands, arms, feet, legs or vision in both eyes, or any two thereof, shall constitute total and permanent disability, to be compensated according to the provisions of this section.”

SECTION 2. Section 72-152 amended—compensation for partial disability.—Section 72-152 of the 1962 Code is amended by striking on line 7 “thirty-five” and inserting in lieu thereof “fifty”, so that when so amended the section shall read as follows :

“Section 72-152. Except as otherwise provided in Section 72-153, when the incapacity for work resulting from the injury is partial, the employer shall pay, or cause to be paid, as provided in this chapter, to the injured employee during such disability a weekly compensation equal to sixty per cent of the difference between his average weekly wages before the injury and the average weekly wages which he is able to earn thereafter, but not more than fifty dollars a week. In no case shall the period covered by such compen-

sation be greater than three hundred weeks from the date of injury. In case the partial disability begins after a period of total disability, the latter period shall be deducted from the maximum period allowed in this section for partial disability."

SECTION 3. Section 72-160 amended—total compensation.—Section 72-160 of the 1962 Code is amended by striking on line two "ten thousand" and inserting in lieu thereof "twelve thousand five hundred", so that when so amended the section shall read as follows:

"Section 72-160. The total compensation payable under this Title shall in no case exceed twelve thousand five hundred dollars."

SECTION 4. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 20th day of May, 1966.

(R1314, H2399)

No. 1092

An Act To Amend Section 47-312, Code Of Laws Of South Carolina, 1962, Relating To Officers In The Town Of Blacksburg In Cherokee County, So As To Increase The Terms Of The Mayor And Aldermen, To Provide That They Shall Be Elected From The Town At Large, To Provide For The Changing Of Ward Lines And To Equalize The Population Each Ten Years.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 47-312 amended—election of mayor and aldermen for Town of Blacksburg.—Section 47-312, Code of Laws of South Carolina, 1962, is amended by striking the comma on line two and inserting "and four aldermen, one from each ward,"; by striking on line three "such election to" and inserting ". Elections shall"; and by striking the remainder of the section after the period on line four and inserting the following "The mayor and aldermen shall serve for terms of four years and until their successors are elected and qualify." The section when amended shall read as follows:

"Section 47-312. The town of Blacksburg shall have a mayor and four aldermen, one from each ward, who shall be elected by the qualified voters of the town at large. Elections shall be held on

the fourth Tuesday in March every two years. The mayor and aldermen shall serve for terms of four years and until their successors are elected and qualify."

SECTION 2. Terms.—Of those first elected after the effective date of this act, the mayor shall serve for a term of three years, the two aldermen with the highest number of votes for terms of three years and the other two aldermen for terms of one year and until their successors are elected and qualify. After the election in 1967, elections shall be held in each even numbered year.

SECTION 3. Ward lines may be changed.—The ward lines of the City of Blacksburg in Cherokee County shall be redrawn so as to equalize the population in each ward immediately after the effective date of this act, and thereafter as soon as may be practicable after receipt of the official United States Census each ten years.

SECTION 4. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 8th day of June, 1966.

(R1315, H2448)

No. 1093

An Act To Create The Goose Creek Park And Playground Commission In Berkeley County, And To Provide Penalties For Violations.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Goose Creek Park and Playground Commission created in Berkeley County.—There is hereby created a commission in Berkeley County to be known as the Goose Creek Park and Playground Commission, whose territorial jurisdiction shall consist of that portion of Berkeley County generally within the following lines: On the north by Highway 45 and the Medway Road, on the east by the Seaboard Airline Railroad, on the south by Highway 29 and on the southwest and west by Goose Creek and an extension thereof.

SECTION 2. Members — appointments — terms — vacancies.—The commission shall be composed of seven members, who shall be appointed by the Governor upon the recommendation of a majority of the Legislative Delegation of Berkeley County, who shall

serve for terms of four years or until their successors are appointed and qualify, except that of those first appointed two shall serve for terms of four years, two shall serve for terms of three years, two shall serve for terms of two years and one shall serve for a term of one year or until their successors are appointed and qualify. The seven initial appointees shall draw lots to determine the length of their terms. Each of the seven major subdivisions within the territorial jurisdiction shall be represented on the commission. Any vacancy shall be filled in the manner of the original appointment for the unexpired portion of the term only.

SECTION 3. Powers and duties.—The commission may do all acts and things necessary to a full enjoyment of the powers vested in it by this act. It may enter into contracts for matters and things germane to its purposes and may execute and deliver deeds of conveyance of property acquired by it. The commission shall have, in addition to the power to sell and convey real estate owned by it, the power to exchange such real estate when it deems it advisable.

SECTION 4. Further.—The commission may lay out, create, develop and enlarge the system of parks and playgrounds for the use and benefit of the residents, inhabitants and institutions within its jurisdictional area. It shall have charge of all parks and playgrounds within the area.

SECTION 5. Rules and regulations—penalties.—The commission may promulgate reasonable rules and regulations with respect to the use of such parks, playgrounds and recreational centers and the violation of any such regulation that has been approved by the governing body of Berkeley County shall be a misdemeanor, punishable by a fine of not exceeding ten dollars or imprisonment not exceeding ten days, or both.

SECTION 6. Exempt from taxes.—Any and all property, whether real or personal, owned and held by the commission within this area shall be exempt from all property taxes.

SECTION 7. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 8th day of June, 1966.

(R1319, H2647)

No. 1094**An Act To Permit Magistrates In Allendale County To Purchase Motor Vehicles Used In Their Offices Upon Complying With Certain Conditions.**

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Purchase of automobiles by Allendale County magistrates.—Magistrates in Allendale County may purchase, through the county purchasing agent, motor vehicles used by their offices upon first depositing on the date the declaration of purchase is made sufficient funds with the county treasurer to cover the purchase price of the vehicle.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 8th day of June, 1966.

(R1320, H2648)

No. 1095**An Act To Amend Section 65-1562, Code Of Laws Of South Carolina, 1962, Relating To Tax Exemption For Certain Manufacturing Enterprises And Additions Thereto In Lexington County, So As To Provide For A Specified Period Of Exemption.**

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 65-1562 amended — tax exemptions for manufactories in Lexington County.—Section 65-1562 of the 1962 Code is amended by striking it in its entirety and inserting in lieu thereof the following, so as to provide for a specified period of tax exemption for certain interests in Lexington County:

“Section 65-1562. All new industrial enterprises and all buildings erected for the purpose of housing any such industrial enterprise located in Lexington County, and additions and improvements to existing industrial enterprises, when the cost of the plant or the paid-in capital stock of the incorporated enterprise is not less than twenty-five thousand dollars or the addition or improvement is not less than twenty-five thousand dollars, shall be entitled to a period of exemption from payment of all county taxes, except for school

purposes. The period of exemption shall run from the date that the president and secretary of the corporation, or someone authorized to act for the organization, if not a corporation, file an application requesting such exemption with the county auditor until the fifth anniversary of the entry in the tax books of such location in the county, or of such addition or improvement; *provided*, that any time which elapses between the entry in the tax books and the filing of the application shall be waived. The exemption provided for herein shall extend to any plant which stores or distributes industrial products."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 10th day of June, 1966.

(R1324, H2348)

No. 1096

An Act To Amend An Unnumbered Item Of Section 65-1522, Code Of Laws Of South Carolina, 1962, Relating To Property Tax Exemption For Certain Corporations Or Societies In Beaufort County, So As To Include Those Chartered For Educational Purposes.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 65-1522 amended—certain organizations in Beaufort County exempt from taxes.—The unnumbered item added to Section 65-1522 of the 1962 Code by Section 1 of Act No. 860 of 1964 is amended by adding ", educational" after the word "religious" on line three so that when amended the item shall read as follows:

"() All property owned by any eleemosynary, charitable or fraternal corporation or society located in Beaufort County, chartered by the State and devoted to religious, educational or charitable purposes, no profit of which inures to the benefit of any private stockholder or individual, but this exemption shall apply only to county, municipal and school district taxes."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 8th day of June, 1966.

(R1329, H2732)

No. 1097

An Act To Authorize Greenville County Or Any Municipality Within The County To Give Notice To The Owner Or Lessee Of Certain Vacant Lots In The County To Clean Such Property; And To Provide For Cleaning Of Lots By The County And For A Civil Action Against Owner Or Lessee Or A Lien Against The Property For The Cost Of The Cleaning In Case The Owner Or Lessee Refuses To Clean The Premises After The Notice Herein Authorized.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Greenville County may require vacant lots to be cleaned up.—The County Supervisor with consent of a majority of the Board of Commissioners is authorized to give to the owner or the lessee, or both, of any vacant lot in Greenville County notice by certified mail directed to the last known address of the owner or lessee, or to the address of the owner as shown by the tax records of Greenville County, or by personal service as provided by law for the service of a summons and complaint, notice to forthwith commence the cleaning and removal of all trash, weeds, rubbish, refuse, whether consisting of vegetable matter or any other refuse, rubbish or any part of a structure which formerly was located on the premises, to clean and carry away from the premises such matter or matters which would in any wise affect the health or otherwise constitute a nuisance or an unsightly appearance or an eyesore, so as to affect the health of the community or any nearby resident or would be detrimental to the peace and good order of the community or detrimental to the general surroundings of the community or adjacent property owners. The owner or lessee shall have thirty days after receipt of the notice to completely remove all such matters from the vacant property so that the property might not become an eyesore to the community, nearby residents or constitute any form of nuisance, eyesore or unsightly appearance, or hazard to the community or nearby residents or for any reason render the neighborhood less desirable.

SECTION 2. Assessment against owner for cleaning lot.—If the owner or lessee shall refuse or neglect to remove such matters as above set forth from the lot within the thirty-day period, then Greenville County shall have the right to remove all such matters and determine the actual costs of such cleaning or removal

and charge the owner or the lessee of the property, and collect the costs of such work from the owner or lessee by the institution of a civil action at law, or shall have the right to file a lien against the property in the nature and manner as provided by law for the filing of a Mechanic's Lien in accordance with the methods and statutory proceedings pertaining to a Mechanic's Lien for labor or services performed and such lien shall constitute a lien against the premises next in priority to all taxes and any other duly recorded lien.

SECTION 3. Rights of municipalities.—The governing body of any municipality located within Greenville County or any of its duly authorized officers, agents or department heads shall have the same rights, powers and privileges as herein given to Greenville County, together with the same rights pertaining to the method and procedure of the enforcement of the collection of its charges for its work, including the right of the filing of a lien as herein specified.

SECTION 4. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 1st day of June, 1966.

(R1335, H2188)

No. 1098

An Act To Change The Name Of The Board Of State Industrial Schools To The State Board Of Juvenile Corrections.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Name changed.—The name of the Board of State Industrial Schools is hereby changed to the State Board of Juvenile Corrections.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 30th day of May, 1966.

(R1342, H2169)

No. 1099

An Act To Amend Section 23-190, Code Of Laws Of South Carolina, 1962, As Amended, Relating To The Designation Of Voting Precincts In Oconee County, So As To Redesignate Such Precincts.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 23-190 amended—Oconee County voting precincts designated.—Section 23-190, Code of Laws of South Carolina, 1962, as amended, is further amended by striking it out and inserting in lieu thereof the following:

“Section 23-190. In Oconee County there shall be the following voting precincts: Belmont; Bethelhem; Block; Chauga; Cheohee; Chicopee; Chicopee Mill; Corinth; Damascus; Double Springs; Earles Grove; Ebenezer; Excelsior Mill; Fair Play; Flat Shoals; Friendship; Holly Springs; Jocassee; Kenneth Mills; Keowee; Little River; Long Creek; New Madison; Newry; Oak Grove; Oakway; Oconee Creek; Oconee Mills; Old Madison; Picket; Post; Providence; Retreat; Return; Richland; Salem; Seneca No. 1; Seneca No. 2; Shiloh; South Union; Stone Church; Tabor; Tamassee; Tokeena; Tugaloo Academy; Utica; Village Creek; Walhalla No. 1; Walhalla No. 2; Westminster No. 1; Westminster No. 2; and West Union.

Provided, that Seneca No. 1 and Seneca No. 2, Walhalla No. 1 and Walhalla No. 2 and Westminster No. 1 and Westminster No. 2 may be located on the same premises and separated alphabetically.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 8th day of June, 1966.

(R1344, H2447)

No. 1100

An Act To Provide For The Fees And Commissions Charged By The Master In Equity Of Berkeley County.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Master in equity fees for Berkeley County.—The fees and commissions charged by the Master in Equity of Berkeley

County shall be as set forth in this act, except that if the fee for any service is not set forth in this act, then such fee shall be as provided by general law:

(1) For holding a reference, twenty-five dollars for the first four hours or part thereof, and ten dollars for each succeeding hour or part thereof;

(2) As commissions on moneys passing through his hands, one per cent if by private sale, one and one half per cent if by public sale or auction and in all other cases other than sales, one half of one per cent; *provided*, that the amount of the commission at public sale or auction in all mortgage foreclosure actions shall be no less than one and one half per cent of the amount of the principal and interest due under the foreclosed mortgage or mortgages as recited in the Decree in Foreclosure;

(3) For every deed prepared or executed by him, ten dollars;

(4) No fees shall be charged in adoption cases;

(5) No fees shall be charged for any of the following services:

(a) making and filing a report in a cause,

(b) swearing and taking the testimony of a witness,

(c) appointing a guardian ad litem,

(d) making and certifying any order,

(e) granting a commission to take testimony of witnesses or answers of absent defendant and

(f) preparing or executing a mortgage.

The wilful or intentional collection by the master of any fee, payment, or gratuity as compensation for any service performed by him as master, other than as provided in this act, shall be cause for his removal from office.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 1st day of June, 1966.

(R1345, H2525)

No. 1101

An Act To Amend Act No. 441 Of 1965, Relating To The Juvenile And Domestic Relations Court Of Aiken County, So As To Change The Maximum Age For Obtaining Jurisdiction Of Children From Sixteen To Eighteen, To Add Additional Au-

thority To The Court, And To Provide For A Fee For Certain Cases.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Item (c), Section 2 of Act 441 of 1965 amended—child defined.—Item (c) of Section 2 of Act No. 441 of 1965 is amended by striking on line two of the item “sixteen” and inserting “eighteen”. The item when amended shall read as follows:

“(c) ‘child’ means a person less than eighteen years of age; and”.

SECTION 2. Item (d), Section 2 of Act 441 of 1965 amended—adult defined.—Item (d) of Section 2 of Act No. 441 of 1965 is amended by striking on line two of the item “sixteen” and inserting “eighteen”. The item when amended shall read as follows:

“(d) ‘adult’ means a person eighteen years of age or older.”

SECTION 3. Item (b), Section 6 of Act 441 of 1965 amended—jurisdiction.—Item (b) of Section 6 of Act No. 441 of 1965 is amended by striking on lines two, six and eleven of the item “sixteen” and inserting “eighteen”. The item when amended shall read as follows:

“(b) Whenever the Juvenile or Domestic Relations Court shall have acquired the jurisdiction of any child under eighteen years of age, the jurisdiction shall continue so long as in the judgment of the court it may be necessary to retain jurisdiction for the correction or education of the child, but the jurisdiction shall terminate when the child shall attain the age of twenty-one years. Any minor, eighteen years of age or older, alleged to have violated or attempted to violate any state or local law or municipal ordinance except traffic violations where the penalty does not exceed thirty days’ imprisonment or a fine of one hundred dollars, within the territorial jurisdiction of this court, prior to becoming eighteen years of age, may be dealt with under the provisions of this act relating to children.”

SECTION 4. Section 8 of Act 441 of 1965 amended—transfer of certain cases.—Section 8 of Act No. 441 of 1965 is amended by striking on line three “sixteen” and inserting “eighteen”. The section when amended shall read as follows:

“Section 8. If, during the pendency of a criminal or quasi-criminal charge against any minor in any other court, it shall be ascertained that the minor was under the age of eighteen years at the time of committing the alleged offense, the court may transfer the case,

together with all the papers, documents and testimony connected therewith, to the Juvenile and Domestic Relations Court, except in those cases where the Constitution gives to the circuit court original jurisdiction.

The court making such transfer shall order the minor to be taken to the place of detention designated by the Juvenile and Domestic Relations Court or to that court itself, or shall release the minor to the custody of some suitable person to be brought before the court at a time designated. The court shall then proceed as provided in this act."

SECTION 5. Section 9 of Act 441 of 1965 amended—preliminary investigation by court.—Section 9 of Act No. 441 of 1965 is amended by striking on line ten "sixteen" and inserting "eighteen". The section when amended shall read as follows:

"Section 9. Whenever the court is informed by verified written petition that a child is within the purview of this act, the court shall make preliminary inquiry to determine whether the interests of the public or of the child require that further action be taken. The court may make informal adjustment as is practicable without a petition, or may authorize a petition to be filed by any person. The petition and all subsequent court documents shall be entitled 'In the Juvenile and Domestic Relations Court of Aiken County. In the interest of , a child under eighteen years of age.'

The petition shall be verified and may be upon information and belief. It shall set forth plainly: (1) the facts which bring the child within the purview of this act; (2) the name, age and residence of the child; (3) the names and residences of his parents, if known; (4) the name and residence of his legal guardian, if there be one, of the person or persons having custody or control of the child, or of the nearest known relative, if no parent or guardian can be found. If any of the facts herein required are not known by the petitioner, the petition shall so state.

Prior to the hearing of a case of any child, the judge shall cause an investigation of all the facts pertaining to the issue to be made. The investigation shall consist of an examination of the parentage and surroundings of the child, his age, habits and history, and shall include also any inquiry into the home conditions, habits and character of his parents or guardian. Prior to the hearing of a case of any child who attends school, there shall be obtained from the school which he attends a report concerning him. The school officials shall

furnish the report upon the request of the court or its probation counselor. The court shall, when it is considered necessary, cause a complete physical examination to be made of the child by a competent physician."

SECTION 6. Act 441 of 1965 amended—Section 26.1 added—jurisdiction.—Act No. 441 of 1965 is amended by adding Section 26.1, so as to give the Juvenile and Domestic Relations Court of Aiken County authority for the enforcement of decrees in certain cases, to read as follows:

"Section 26.1. The Juvenile and Domestic Relations Court of Aiken County shall have the authority to issue rules to show cause or supplementary proceedings for the enforcement of such decrees involving custody, nonsupport and divorce and which decrees have been issued by the court of common pleas or other court of original jurisdiction."

SECTION 7. Act 441 of 1965 amended—Section 28.1 added—fee in certain cases.—Act No. 441 of 1965 is amended by adding Section 28.1, so as to provide authority for the charging of certain fees, to read as follows:

"Section 28.1. In all matters heard by the Juvenile and Domestic Relations Court of Aiken County involving the final determination of cases involving divorce, annulment, adoptions and for separate maintenance and support, the court is directed and authorized to charge the sum of fifteen dollars per case which shall be transmitted to the Treasurer of Aiken County."

SECTION 8. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 1st day of June, 1966.

(R1351, H2140)

No. 1102

An Act To Authorize The Town Of Surfside Beach In Horry County To Employ A Recorder.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Town of Surfside Beach may employ recorder.—The Town Council of the Town of Surfside Beach in Horry County

may employ a recorder whose duty it shall be to try any offenses against the town ordinances. The town council shall fix the amount of compensation and the term of such recorder. The jurisdiction of the recorder shall be the same as that now vested in the Mayor of the Town of Surfside Beach and there shall be the same right of appeal and trial in the court of the city recorder as exists under the law in all trials before the mayor.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 8th day of June, 1966.

(R1354, H2703)

No. 1103

An Act To Amend Section 71-343, Code Of Laws Of South Carolina, 1962, As Amended, Relating To A Tax Levy In Greenville County For Charity Hospitalization, So As To Delete The Salary Of The County Investigator And Provide For The Expense Of The Charity Investigator's Office.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 71-343 amended—tax levy in Greenville County for charity hospitalization.—Section 71-343 of the 1962 Code, as amended by an Act of 1966 bearing Ratification No. 776, is further amended by striking "salary of the county investigator" on line four and inserting "expenses of operation of the charity investigator's office". The section when amended shall read as follows:

"Section 71-343. A tax levy of six mills is hereby imposed upon all the taxable property in Greenville County, the proceeds of which shall be used for charity hospitalization, except so much as may be necessary to pay the expenses of operation of the charity investigator's office."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 1st day of June, 1966.

(R1357, H2559)

No. 1104

An Act To Divide Edgefield County Into Districts For Certain Purposes And To Provide A System Of County Government For Edgefield County.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Edgefield County divided into three districts.—For the purposes of elections as provided herein and such other elections and purposes as may be provided by law, Edgefield County is divided into three districts as follows:

District No. 1 shall be composed of Johnston No. 1, Johnston No. 2, Long Branch, Central and Bacon precincts.

District No. 2 shall be composed of Trenton, Merriwether, Colliers, Cleveland and Red Hill precincts.

District No. 3 shall be composed of Edgefield No. 1, Edgefield No. 2, Kendall, Moss, Rock Hill, Pleasant Lane and Meeting Street precincts.

SECTION 2. System of government for Edgefield County.—There is hereby created for Edgefield County a system of county government as set forth in this act.

SECTION 3. County council created—members—elections—vacancies—county administrator.—There is hereby created the Edgefield County Council (council) which shall be composed of three members who shall be elected at the same time as the general election in November of 1966 and at each general election thereafter to serve for terms of two years or until their successors are elected and qualify. One member with the largest plurality shall be elected from the county at large from each of the three districts of the county. Any qualified elector in the district may qualify as a candidate for member of the council from that district by filing with the Clerk of Court of Edgefield County on or before twelve o'clock noon, August 15, 1966. Thereafter, candidates shall file and be nominated as candidates are for other county offices. Vacancies on the council shall be filled by appointment by the Governor upon the recommendation of the membership of the House of Representatives from Edgefield County for the unexpired portion of the term only. The council shall employ a county administrator who shall be the administrative officer for the county at such a salary and term as is determined by the council. The council shall require such bond of the county administrator as it deems ad-

visable. The council shall not elect one of its members as county administrator. Meetings of the council shall be held whenever necessary but not less than twice monthly. Members of the council shall receive a monthly salary of one hundred twenty-five dollars. A chairman shall be elected annually at the first meeting of the council and shall receive an additional salary of twenty-five dollars per month. The Edgefield County supervisor and the county commissioners shall continue to exercise their duties only as to county roads and bridges and under the supervision of the council until the expiration of their terms, at which time the offices of county commissioner and county supervisor for the county shall be abolished.

SECTION 4. Recommendations.—Any appointments in Edgefield County, to be made by the Governor upon the recommendation of the Senator, shall henceforth be made upon the recommendation of a majority of the council, with the approval of the membership of the House of Representatives from Edgefield County; and any such appointments now made upon the recommendation of a majority of the Edgefield County Legislative Delegation shall henceforth be made upon the recommendation of a majority of the council, with the consent of the membership of the House of Representatives from Edgefield County.

SECTION 5. Ordinances.—No ordinance of the council which levies a tax, or appropriates money, or incurs bonded indebtedness shall be valid unless the provision shall have been read at three regular meetings of the council and shall be published in both newspapers of general circulation in the county at least twenty days before the final reading. All proceedings of the council shall be recorded, and annually all ordinances and resolutions passed during the preceding twelve months shall be printed and made available for distribution through the office of the council upon payment of a charge set by the council.

SECTION 6. Powers and duties.—In addition to the foregoing and other statutory duties and powers, the council is hereby empowered to legislate in reference to such matters of local concern with Edgefield County as herein provided and shall have the following powers:

1. To adopt, use and alter a corporate seal.
2. (a) To acquire by purchase or gift real property in the name of Edgefield County.

(b) To lease, sell or otherwise dispose of real and personal property in the name of Edgefield County, including all such property now owned by the county.

(c) To acquire tangible personal property and supplies.

3. To make contracts and to execute all instruments necessary or convenient for carrying out the functions committed to it.

4. To exercise the powers of eminent domain in the manner provided by the general laws of the State of South Carolina for procedure by any county, municipality, or authority organized under the laws of this State, or by the South Carolina State Highway Department, or by railroad corporations, or in any manner provided by laws, as the board may, in its discretion, elect.

5. To make appropriations and to levy taxes therefor for corporate purposes and for educational purposes, to build and repair public roads, buildings and bridges, to maintain and support prisoners, pay jurors, county officers, and for litigation, quarantine and court expenses and for ordinary county purposes, to support paupers, and to pay past indebtedness.

6. To provide for the receipt, custody, allocation and disbursement of funds accruing to Edgefield County.

7. To provide within the county special services which are considered necessary to public health and welfare.

8. To incur indebtedness in anticipation of the collection of taxes which have been levied.

9. To issue bonds pledging the faith and credit of Edgefield County for the purposes authorized by and within the limits prescribed by the Constitution of the State of South Carolina, including educational purposes, to build and repair public roads, buildings and bridges, to maintain and support prisoners, pay jurors, county officers, and for litigation, quarantine and court expenses and for ordinary county purposes, to support paupers, and pay past indebtedness. Bonds issued pursuant to this section shall mature serially in such manner as the council may provide. They may contain provisions permitting their redemption prior to their stated maturity at premium figures. The council shall also be empowered to determine the rates of interest the bonds may bear, the method of their execution and sale and all other matters incident to the proper issuance and delivery of the bonds. It shall be empowered to order the levy and collection of ad valorem taxes upon all taxable property in Edgefield County without limitation as to rate or amount sufficient to provide for the payment of the principal and interest on these bonds.

10. To enter into agreements on matters of local concern with agencies and instrumentalities of the Federal Government, the State Government, political subdivisions of the State, and educational, charitable and eleemosynary institutions.

11. To regulate, control and provide for the construction, maintenance, operation and use of public streets, roads, bridges, sidewalks, drains, courthouses, jails, buildings, prison farms, and other public improvements and facilities.

12. To prescribe methods of accounting for county officers and departments.

13. To supervise and regulate the various departments of the county, except that the duties and functions now provided by law for the offices of the sheriff, clerk of court, probate judge, coroner, and superintendent of education shall not be altered.

14. To create such agencies and departments as may be deemed advisable, and to prescribe their duties and functions; and to alter or transfer the duties and functions of existing offices, agencies or departments.

15. To employ all county employees whose election by the people is not provided for by law and to establish policies affecting the selection, appointment, compensation, dismissal and other matters in the control of the administrative employees of the county government.

SECTION 7. Reports and budgets.—Every county official, department, commission, institution or board receiving grants or appropriations from county, State and/or Federal funds shall, on or before October first of each year, make a full and detailed report of its financial status, activities and expenditures for the past fiscal year, showing all balances in all accounts controlled by such official, department, commission, institution or board, together with its budget and recommendations for the coming year, to the board. These reports and budgets shall be filed with the council on or before October first of each year. The council shall, from the reports, prepare a budget for the operation of the county for the ensuing year which must receive a majority of the votes of the members of the board before becoming effective. The council shall cause the county budget to be published in both newspapers having general circulation in the county and such budget shall show in detail the amount of the proposed appropriations, the purposes for which they

are to be made, and the millage to be levied. The publication shall be published as soon as practicable after adoption.

SECTION 8. Not to affect other bond issues.—The authorization to issue bonds granted pursuant to the provisions of paragraph 9 of Section 6 of this act is not intended to invalidate any authorization to issue bonds of Edgefield County previously granted pursuant to law.

SECTION 9. Approval of budgets.—No budget promulgated by the council shall become effective or be published until approved by the membership of the House of Representatives from Edgefield County.

SECTION 10. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 1st day of June, 1966.

(R1375, H2652)

No. 1105

An Act To Declare The Subdivision Of Clear View On James Island In Charleston County As A Bird Sanctuary And To Provide Penalties For Violations.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Area on James Island to be bird sanctuary.—All of that area of the subdivision of Clear View on James Island in Charleston County is hereby declared to be a bird sanctuary. Any person killing or maiming any bird within such sanctuary shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of one hundred dollars or imprisoned for not to exceed thirty days.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 13th day of June, 1966.

(R1378, H2722)

No. 1106

An Act To Provide For The Compensation Of Magistrates In Newberry County; To Provide That No Constables Shall Be Appointed In Newberry County And To Provide For Certain Fees.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Compensation of magistrates in Newberry County.

—Notwithstanding any other provision of law, magistrates in Newberry County shall receive such compensation as may be provided in the annual county budget, in lieu of all fees and funds collected in criminal actions. All such fees and fines shall be turned over to the county treasurer once each month for deposit to the general fund of the county.

SECTION 2. Constables not to be appointed.—Notwithstanding the provisions of Section 43-301, Code of Laws of South Carolina, 1962, effective July 1, 1966, no constables shall be appointed by the magistrates of Newberry County and all powers and duties of constables in Newberry County are hereby devolved upon the sheriff of the county.

SECTION 3. Fees.—Notwithstanding any other provision of law, the Sheriff of Newberry County shall collect a fee of ten dollars for each action of claim and delivery, plus ten cents per mile for actual miles traveled and shall collect a fee of five dollars for all writs to any one person, plus ten cents per mile for actual miles traveled. All such fees shall be turned over to the county treasurer once each month for deposit to the general fund of the county.

SECTION 4. Time effective.—This act shall take effect July 1, 1966.

Approved the 13th day of June, 1966.

(R1381, H2729)

No. 1107

An Act To Amend Sections 14-3664, As Amended, And 14-3665, Code Of Laws Of South Carolina, 1962, Relating To The Board Of Rural Fire Control In York County, So As To Further Provide Therefor; And To Authorize The Board To Borrow Funds Not To Exceed Forty-Five Thousand Dollars.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 14-3664 amended—tax levy.—Section 14-3664 of the 1962 Code, as amended, is further amended so as to delete temporary finance provisions and make such provisions permanent by striking the section in its entirety and inserting in lieu thereof the following :

“Section 14-3664. The county auditor shall annually levy and the treasurer shall collect a tax of one mill on all the taxable property in the county to be used by the Board for the purposes of this article.”

SECTION 2. May borrow money.—The Board of Rural Fire Control for York County is authorized to borrow not exceeding forty-five thousand dollars for the purpose of purchasing additional fire-fighting equipment. The amount so borrowed shall be repaid over a period of not more than five years and at an interest rate not to exceed two and three-fourths per cent. Preference in obtaining this loan shall be given to the banking institution transacting business in York County; *provided*, that in the event the funds cannot be borrowed from such banking institution the county sinking fund commission shall make the loan. As evidence of the indebtedness the Board and the treasurer of the county shall execute and deliver to the lender a promissory note of the county. The Board may anticipate the repayment of the balance on any anniversary date of the indebtedness. The note shall be repaid from the funds derived from the one mill levy provided for in Section 14-3664 of the 1962 Code.

SECTION 3. Section 14-3665 amended—purchase and use of equipment.—Section 14-3665 of the 1962 Code, which relates to the purchase of fire-fighting equipment by the Board, the responsibility and distributive use of such equipment and the limitation of its cost, is amended so as to make the provisions thereof permanent, to delete temporary provisions, to define responsibility for the equipment and vest certain authority in the Board, by deleting the section in its entirety and inserting in lieu thereof the following :

“Section 14-3665. The Board shall purchase necessary fire-fighting equipment suitable for rural use in controlling and fighting fire. All fire trucks purchased shall be equipped with standard equipment and be as nearly uniform as possible so as to allow interchange and coordinated use in an emergency and to make possible efficient and

economical maintenance and upkeep. All equipment purchased under this article shall remain the property of the county. In the absence of specific authorization to the contrary duly approved by the Board, the responsibility for such equipment as to use, operation, maintenance, upkeep and housing shall be with the town, city or organization to which such equipment is assigned, and the Board is hereby empowered to grant such authorization to any town, city or organization to which equipment has been assigned relating to its use, operation, maintenance, upkeep and housing as the Board in its discretion deems necessary effectively to implement a rural fire control program for York County, and it may expend from the funds derived from the one mill levy provided for in Section 14-3664 of the 1962 Code, sufficient sums to effect any such authorization and the Board may further expend from the funds so derived such sums for supplies and services as it deems necessary effectively to implement a rural fire control program for York County."

SECTION 4. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 13th day of June, 1966.

(R1389, H2605)

No. 1108

An Act To Amend Section 23-176, Code of Laws of South Carolina, 1962, As Amended, Relating To Voting Precincts In Greenville County, So As To Change The Name Of Duncan Precinct To Dunean Precinct.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Name of voting precinct changed.—Notwithstanding the provisions of Section 23-176 of the 1962 Code, as amended, the name Duncan at recreation hall in Greenville County is changed to Dunean at recreation hall.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 8th day of June, 1966.

(R1390, H2610)

No. 1109**An Act To Change The Voting Place For Armstrong Precinct In Greenville County From The Armstrong School Building To The Recreation Building At The Forestville Baptist Church.**

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Voting place for Armstrong Precinct.—Notwithstanding the provisions of Section 23-176, Code of Laws of South Carolina, 1962, the voting place of Armstrong Precinct in Greenville County shall be changed from the Armstrong School building to the recreation building of the Forestville Baptist Church.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 8th day of June, 1966.

(R1392, H2665)

No. 1110**An Act Providing For Sentences The Recorder Of The City Of Greer In Greenville And Spartanburg Counties May Impose.**

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Sentencing by recorder of City of Greer.—When any person is convicted or pleads guilty to any offense in the Recorder's Court of the City of Greer in Greenville and Spartanburg Counties, the judge may sentence him to pay a fine not exceeding two hundred dollars, or serve a term not exceeding thirty days in jail, with or without hard labor, in the alternative. The judge may suspend any sentence imposed by him upon such terms as in his discretion may seem fit and proper.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 8th day of June, 1966.

(R1393, H2666)

No. 1111**An Act To Authorize The Town Of Crescent Beach In Horry County To Employ a Recorder.**

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Town of Crescent Beach may employ recorder.—

The Town Council of the Town of Crescent Beach in Horry County may employ a recorder whose duty it shall be to try any offenses against the town ordinances. The town council shall fix the amount of compensation and the term of such recorder. The jurisdiction of the recorder shall be the same as that now vested in the Mayor of the Town of Crescent Beach and there shall be the same right of appeal and trial in the court of the city recorder as exists under the law in all trials before the mayor.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 8th day of June, 1966.

(R1394, H2668)

No. 1112**An Act To Permit Bank Fishing In Lake Greenwood In The State Park Area In Greenwood County.**

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Certain fishing allowed in Lake Greenwood.—

Fishing shall be permitted from the bank of Lake Greenwood in that portion of the lake situate within the State Park in Greenwood County.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 8th day of June, 1966.

(R1395, H2677)

No. 1113

An Act To Amend Section 21-122, Code Of Laws Of South Carolina, 1962, Relating To The Filling Of Vacancies On The Board Of School Trustees Of District No. 51, So As To Provide That Vacancies Caused By Death Or Resignation Shall Be Filled By Appointment By The Board Of Education Of Greenwood County.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 21-122 amended—vacancies.—Section 21-122 of the 1962 Code is amended by adding the following proviso at the end thereof: "*Provided*, that any vacancy caused by death or resignation shall be filled by the board by appointment for the unexpired portion of the term." The section when amended shall read as follows :

"Section 21-122. The board of education of Greenwood County shall hold the necessary elections to fill vacancies as they occur, such elections to be held at least thirty days prior to any vacancy. *Provided*, that any vacancy caused by death or resignation shall be filled by the board by appointment for the unexpired portion of the term."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 8th day of June, 1966.

(R1396, H2731)

No. 1114

An Act To Amend Act No. 431 Of 1965, Relating To The Office Of County Purchasing Agent For Greenville County, So As To Further Provide Therefor.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Act No. 431 of 1965 amended—Section 2-A added—additional duties.—Act No. 431 of 1965 is amended by adding a new section, as follows :

"Section 2-A. The board of commissioners is hereby authorized to assign such additional duties to the purchasing agent as it may deem to be in the best interest of Greenville County."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 8th day of June, 1966.

(R1397, H2734)

No. 1115

An Act To Amend Act No. 129 Of 1963, As Amended, Relating To The Greenville County Planning Commission, So As To Provide For The Review By The Commission Of Certain Construction Plans And To Provide For Recommendations By The Commission To The Legislative Delegation On Programs For Public Structures.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 4 of Act 129 of 1963 amended—powers and duties.—Section 4 of Act No. 129 of 1963, as amended, is further amended by adding at the end thereof the following, providing for recommendations by the commission to the legislative delegation on programs for public structures: “(h) From time to time recommend to the legislative delegation programs for public structures and improvements and for the financing thereof.” When so amended, Section 4 shall read:

“Section 4. The Commission shall have authority to: (a) Prepare and from time to time revise, amend, and add to a continuing plan or plans for the development of the Planning Area. (b) Cooperate with and provide planning assistance to municipalities and other local governmental instrumentalities and planning agencies in the county. Such planning assistance shall be limited to surveys, land use studies, technical services and other planning assistance; whenever cooperation and assistance include the rendering of technical services, such services may be rendered free or in accordance with an agreement for reimbursement. (c) Provide information to officials of departments, agencies, and instrumentalities of State and local government, and to the public at large, in order to foster public awareness and understanding of the objectives of the Commission’s plans and to stimulate public interest and participation in the orderly development of the Planning Area. (d) Hold public and private hearings and sponsor public meetings in any part of the county whenever it deems

such hearings or meetings necessary or useful in the execution of its functions. (e) Exercise all other powers necessary and proper for the discharge of its duties. (f) Appoint advisory committees from among citizens of the Planning Area to study any problems or to advise on any problems submitted by the Commission. (g) Adopt subdivision regulations as provided in Section 4A. (h) From time to time recommend to the legislative delegation programs for public structures and improvements and for the financing thereof."

SECTION 2. Act 129 of 1963 amended—Section 4-B added—review of construction plans.—Act No. 129 of 1963, as amended, is further amended by adding Section 4B as follows, providing for the review by the Commission of certain construction plans:

"Section 4B. Whenever the Commission shall have adopted the Greenville County Comprehensive Plan no county, state or federally-financed street, square, park, or other public way, ground or open space, or public building (including schools) or structure, or public utility, whether publicly or privately owned, shall be constructed or authorized in the county until plans of the location, character, and extent thereof shall have been submitted to the Commission for its review and recommendation with regard to conformance with the Comprehensive Plan. The failure of the Commission to act within sixty days from and after the date of official submission to the Commission shall be deemed approval."

SECTION 3. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 30th day of May, 1966.

(R1398, H2586)

No. 1116

An Act To Amend The Code Of Laws Of South Carolina, 1962, By Adding Section 36-115.1 So As To Provide For The Appointments And Number Of Commissioners For The Housing Authority Of The City Of Sumter.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 36-115.1 added—number and appointment of commissioners.—The Code of Laws of South Carolina, 1962, is amended by adding Section 36-115.1 to read as follows:

“Section 36-115.1. In the City of Sumter the authority shall consist of seven commissioners, five of whom shall be appointed by the city council and two of whom shall be appointed by the county board of commissioners.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 8th day of June, 1966.

(R1400, H2690)

No. 1117

An Act To Amend Section 21-3601, As Amended, And Sections 21-3603, 21-3604, And 14-2967, Code Of Laws Of South Carolina, 1962, Relating To The Newberry County School System, So As To Further Provide Therefor.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 21-3601 amended — Newberry County Board of Education.—Section 21-3601, Code of Laws of South Carolina, 1962, as amended, is further amended to read as follows:

“Section 21-3601. In Newberry County the county board of education shall be composed of seven qualified persons, three of whom shall be appointed by the Governor, upon the recommendation of a majority of the county board of commissioners and at least one-half of the members of the House of Representatives, two of whom shall be elected from Road District No. 1 and two of whom shall be elected from Road District No. 2. The members elected from the road districts shall be residents of the district they represent. The terms of the members shall be for four years and until their successors are appointed or elected and qualify, except that of the members first appointed two shall serve for two years, and of the members first elected the one receiving the fewest number of votes from each road district shall serve for two years. No person employed in the public school system shall be eligible for membership on the board. The board shall meet at least once each month and at such other times as it sees fit. At its first meeting it shall elect a chairman and such other officers as it deems necessary. As compensation for their services each elected member shall receive one thousand two hundred dollars annually and each appointed member shall receive six hundred dollars.”

SECTION 2. Section 21-3603 amended—director of finance, administrative superintendent and other personnel.—Section 21-3603, Code of Laws of South Carolina, 1962, is amended to read as follows:

“Section 21-3603. The county board of education may employ a director of finance who shall be the purchasing agent for all office supplies and equipment for the schools of Newberry County. He shall require bids, after due advertisement, as provided in Section 14-2971, unless he certifies that an emergency exists and the purchase does not involve more than fifty dollars. All such bids shall be approved by the board. He shall also have such other duties as may be delegated to him by the board. The board may also appoint an administrative superintendent of schools and such other personnel as it deems necessary, all of whom shall have such duties as may be assigned to them by the board.”

SECTION 3. Section 21-3604 amended—tax levy.—Section 21-3604, Code of Laws of South Carolina, 1962, is amended to read as follows:

“Section 21-3604. In Newberry County the county board of education shall determine annually the needs of the schools of the county, and the board shall annually, subject to the approval of a majority of the county board of commissioners and the House Legislative Delegation, levy upon all of the taxable property in the county tax sufficient to raise the amounts necessary to fulfill the needs of the schools of the county. If such levy does not vary more than four mills from the previous year, such approval shall not be necessary.”

SECTION 4. Section 14-2967 amended—bonds of county officials.—Section 14-2967, Code of Laws of South Carolina, 1962, is amended by deleting “county superintendent of education” on line six and inserting in lieu thereof “director of finance for schools.” The section when amended shall read as follows:

“Section 14-2967. The following officers in the county, for the faithful and diligent performance of the duties of office, shall, before entering upon the duties of office, give bonds in the following amounts, which shall be effective for the terms of such officers: County auditor, five thousand dollars; county treasurer, twenty-five thousand dollars; director of finance for schools, five thousand dollars; judge of probate, five thousand dollars; clerk of court, ten thousand dollars; county sheriff, ten thousand dollars; the two county commissioners, each, two thousand dollars; supervisor, five thousand dollars; clerk

of county board of commissioners, one thousand dollars; and delinquent tax collector, ten thousand dollars.

All bonds given shall be in some surety company licensed to do business in this State. The bonds shall be approved by the Attorney General, and the premiums on the bonds shall be paid by the county treasurer upon warrants approved by the chairman of the county board of commissioners."

SECTION 5. Time effective.—This act shall take effect January 1, 1969.

Approved the 8th day of June, 1966.

(R1401, H2745)

No. 1118

An Act To Amend Section 27-422, Code Of Laws Of South Carolina, 1962, As Amended, Relating To Fees In Certain Counties For Worthless Checks, So As To Provide For A Fee Of Five Dollars In Orangeburg County.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Item 4 of Section 27-422 amended—worthless check fees in Orangeburg County.—Section 27-422 of the 1962 Code, as amended, is further amended by changing the word "three" to "five" on lines one and two of item (4), so that when amended item (4) shall read as follows:

"(4) In Orangeburg County, magistrates five dollars and constables or sheriff five dollars and mileage as provided in item (10) of Section 27-451."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 30th day of May, 1966.

(R1403, H2658)

No. 1119

An Act To Amend Act No. 841 Of 1962, As Amended, Relating To The Area Commission For The Berkeley, Charleston, Dorchester Technical Education Center, So As To Grant The Commission The Power Of Eminent Domain.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 2 of Act 841 of 1962 amended—Item (14) added—power of eminent domain.—Section 2 of Act No. 841 of 1962, as amended, is further amended by adding at the end thereof the following new item (14) so as to grant the area commission for the Berkeley, Charleston, Dorchester Technical Education Center the power of eminent domain :

“(14) To exercise the power of eminent domain in the manner provided by the general laws of this State for procedure by any county, municipality or authority organized under the laws of this State, by the State Highway Department, by railroad corporations or in any manner provided by law, as the council may, in its discretion, elect, including the procedure provided by Chapter 3, Title 25, Code of Laws of South Carolina, 1962.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 8th day of June, 1966.

(R1410, H2725)

No. 1120

An Act To Amend Section 23-159, Code Of Laws Of South Carolina, 1962, Relating To Voting Precincts In Barnwell County, So As To Add Barnwell No. 3 Precinct And To Redesignate The Electors Voting At Barnwell Nos. 1 And 2 Precincts.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 23-159 amended—voting precincts in Barnwell County designated.—Section 23-159 of the 1962 Code is amended by striking the section in its entirety and inserting in lieu thereof the following so as to add Barnwell No. 3 precinct and to redesignate those electors who are to vote at Barnwell Nos. 1 and 2 precincts. When amended, the section shall read as follows :

“Section 23-159. In Barnwell County there shall be voting precincts as follows : Barnwell No. 1 ; Barnwell No. 2 ; Barnwell No. 3 ; Blackville ; Boiling Springs ; Double Pond ; Elko ; Friendship ; Kline ; Healing Springs ; Hercules ; Hilda ; Oak Grove ; Snelling ; Reedy Branch ; Rosemary ; Siloam ; Williston ; and Yenome.

Barnwell No. 1 shall have its voting place immediately in front of the courthouse and only those electors whose last names begin with A through F shall vote at this place. Barnwell No. 2 shall have its voting place between the courthouse and the county office building and only those electors whose last names begin with G through O shall vote at this place. Barnwell No. 3 shall have its voting place at or near the public health building being north of the covered way connecting the county office building and the courthouse and only those electors whose last names begin with P through Z shall vote at this place."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 8th day of June, 1966.

(R1412, H2742)

No. 1121

An Act Relating To The Mayor And Councilmen Of The City Of Gaffney In Cherokee County.

Whereas, the qualified electors of the City of Gaffney voted on May 10, 1966, in favor of authorizing the city council to redefine the wards of the city, so as to equalize the population of each and also vote in favor of electing the mayor and councilmen at large; and

Whereas, pursuant to ratification No. 820 of 1966, legislation has already been enacted authorizing the redefining of the wards. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Mayor and councilmen for City of Gaffney.—Notwithstanding any other provision of law, commencing with the election to be held in 1968, the City of Gaffney shall have a mayor and six councilmen, one from each ward, who shall be elected by the qualified voters of the city at large, for terms of four years and until their successors are elected and qualify, except that the three councilmen receiving the fewest votes in the 1968 election shall serve for two years only.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 8th day of June, 1966.

(R1417, H2720)

No. 1122

An Act To Empower The Governing Body Of Saluda County To Levy The Necessary Taxes For The Operation Of The Government Of The County, And To Provide That Any Provisions Of Law Requiring The Approval Of The Legislative Delegation And/Or The Senator Shall Be Construed To Mean The Approval Of The Legislative Delegation Only If Saluda County Has No Resident Senator.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Governing body of Saluda County may levy taxes.—On and after January 1, 1967, the governing body of Saluda County shall be authorized to levy the necessary taxes for the operation of the government of Saluda County, including taxes for the operation and support of the schools. Upon notification by the chairman, the auditor of the county shall levy and the treasurer shall collect such taxes as the chairman shall indicate are necessary. The amount collected shall be placed in the county treasury to the credit of the county board and shall be paid out upon warrants signed by the chairman and the county treasurer.

The county board of education shall recommend to the county board the taxes necessary for the operation and support of the county schools.

No levy shall be made and no taxes collected pursuant to the provisions of this act unless approved by the member of the House of Representatives from the county and the Senator, in the event that Saluda County has a resident Senator. Otherwise, the approval of the member of the House of Representatives shall be necessary.

No tax shall be levied pursuant to the provisions of this act unless a notice shall have been published in a newspaper having general circulation in the county once a week for three consecutive weeks, and the notice shall state the purpose for which the levy shall be made and the amount of the levy involved.

SECTION 2. Approval of legislative delegation.—On and after January 1, 1967, any provision of law requiring the approval of the Legislative Delegation from Saluda County, and/or including the Senator, shall be construed to mean the approval of the member of the House of Representatives only, unless Saluda County shall have a resident Senator.

SECTION 3. Act may become void.—This act shall be null and void if, after the general election of 1966, Saluda County shall have a resident Senator.

SECTION 4. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 8th day of June, 1966.

(R1418, H2737)

No. 1123

An Act Making It Unlawful To Discharge Untreated Sewage Into Any Ditch, Stream Or Culvert In Jasper County After January 1, 1967.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Unlawful to dump untreated sewage in Jasper County.—After January 1, 1967, it shall be unlawful for any person, municipality or political entity to dump untreated sewage into any ditch, stream or culvert in Jasper County.

SECTION 2. Political entities to submit plans.—Any municipality or political entity dumping untreated sewage into any ditch, stream or culvert in Jasper County, shall submit to the Jasper County Legislative Delegation, on or before September 1, 1966, a proposed plan for treatment of such sewage. The minimum accepted process for such treatment shall be primary treatment and chlorination. The plan shall include proposed methods of financing, proposed engineering studies, possible plant sites, the tentative date for completing construction of the facilities, which in no event shall be later than January 1, 1967, and such other information as may be requested by the Jasper County Legislative Delegation.

SECTION 3. Penalties.—Any municipality or political entity violating the provisions of Section 1 of this act shall, upon conviction, be subject to a penalty of one thousand dollars for each day of violation and any municipality or political entity violating the provisions of Section 2 of this act shall be subject to a penalty of fifty dollars for each day of violation. Any person other than a municipality or political entity violating the provisions of Section 1 of this act shall, thirty days after having received written notice by the Jasper County Board of

Health to cease and desist from such violations, be subject to a fine of twenty dollars for each day of violation. Such penalties shall be collected by Jasper County by civil action in a court of competent jurisdiction.

SECTION 4. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 8th day of June, 1966.

(R1419, H2686)

No. 1124

An Act To Establish The Civil And Criminal Court Of Clarendon.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Civil and Criminal Court of Clarendon established.

—There is hereby established for Clarendon County a court inferior to the circuit court which shall be known as “The Civil and Criminal Court of Clarendon”. The establishment of such court is deemed necessary by the General Assembly for all of Clarendon County except that portion of the county inundated by the waters of Lake Marion, the separation or demarcation line being the 76.8 contour above sea level.

SECTION 2. Judge.—There shall be a judge for the civil and criminal court of Clarendon whose term of office shall be for four years and until his successor is appointed and qualifies, who shall be appointed by the Governor upon the recommendation of the Clarendon County Bar Association. He shall take office immediately upon his appointment. Nothing herein shall be construed as preventing the judge of this court from the practice of law in any court other than Civil and Criminal Court of Clarendon County.

The judge shall be a resident practicing attorney of Clarendon County Bar Association and must have had at least three years’ experience as a practicing attorney. Before assuming the duties of office, the judge shall take such oath as may be prescribed for persons assuming judicial office.

In case of the absence of the judge to act at the time fixed for holding a term of court, or in case of his disqualification for any rea-

son, the Governor may appoint some suitable person, upon the recommendation of a majority of the Clarendon County Bar Association, to hold such term of the court as may be designated by the Governor.

SECTION 3. Solicitor.—There shall be a solicitor for the civil and criminal court of Clarendon whose term of office shall be for four years or until his successor is appointed and qualifies. He shall be appointed by the Governor upon the recommendation of the Clarendon County Bar Association and shall take office immediately after his appointment. In case of a vacancy, his successor shall serve for the unexpired portion of the term and shall be appointed by the Governor upon the recommendation of a majority of the Clarendon County Bar Association.

The solicitor shall be a resident practicing attorney and a member of the Clarendon County bar. He shall take such oath of office as may be prescribed for persons assuming judicial office.

In case of sickness, disability or the inability of the solicitor to serve at any term of court, the judge of the court may call upon the circuit solicitor or appoint some other attorney to serve in his place.

SECTION 4. Practice of law by solicitor.—(1) The solicitor shall not practice law in criminal cases in the magistrates' courts of Clarendon County, nor shall he appear for the defense in any criminal case in the court of general sessions for Clarendon County in which the civil and criminal court of Clarendon has concurrent jurisdiction with the court of general sessions.

(2) The solicitor shall not represent any party bringing action against Clarendon County. Anyone violating the provisions of this subsection shall immediately be removed from office and shall forfeit all pay and allowances earned to the date of discharge.

SECTION 5. Clerk of court.—The clerk of the circuit court shall be clerk ex officio of the civil and criminal court and shall keep such calendars, minutes and records of the court and the cases therein pending and attend and perform the duties as the clerk thereof as required of him by law as clerk of the circuit court.

SECTION 6. Sheriff and deputy.—The sheriff of the county or his deputy shall attend all sessions of the court and shall be subject to the orders thereof. He shall execute the orders, writs and mandates of the court as required by law in reference to the circuit court. The sheriff shall appoint such bailiffs as may be necessary, with the approval of the judge.

SECTION 7. Stenographer.—The judge shall appoint an official stenographer, who shall attend all sessions of the court and perform the same duties in connection therewith as are now performed by stenographers of the circuit court. The stenographer shall serve at the pleasure of the judge and shall serve the judge and the solicitor as they may direct.

SECTION 8. Salaries.—Salaries of the judge and officers of the court shall be in such amounts as may be annually fixed in the Clarendon County Appropriation Act, but the salaries may not be diminished during any term for which the judge or officers are appointed.

SECTION 9. Court of record—seal—presumptions.—The court shall be a court of record and have a seal inscribed with the words "The Civil and Criminal Court of Clarendon". The same presumption in favor of its jurisdiction and the validity of its judgments and decrees shall hold as in the case of the jurisdiction, judgments and decrees of the circuit courts.

SECTION 10. Civil jurisdiction.—The civil and criminal court of Clarendon shall have concurrent jurisdiction with the court of common pleas in all civil cases and special proceedings, both at law and in equity, in which the amount demanded in the complaint does not exceed the sum of three thousand dollars, and in all other civil cases and special proceedings, both at law and in equity, in which there is no money demanded or in which the right involved cannot be measured or fixed by any monetary value. The court shall have concurrent jurisdiction with the court of common pleas of the county in actions relating to divorce from the bonds of matrimony and alimony and custody of minors and settlement of property rights connected therewith, regardless of the amount of alimony or of the value of the property rights settled or judgment obtained therein.

SECTION 11. Criminal jurisdiction.—The civil and criminal court of Clarendon shall have concurrent jurisdiction with the court of general sessions in all criminal cases except murder, manslaughter, rape, attempt to rape, arson, common-law burglary, bribery, perjury and forgery, and concurrent jurisdiction with the magistrates' courts in all criminal cases within the jurisdiction of magistrates' courts and exclusive jurisdiction of all cases involving violations of Chapter 7, Title 46, of the 1962 Code.

SECTION 12. Appeal jurisdiction.—The court shall have concurrent jurisdiction with the court of common pleas and the court of

general sessions, respectively, to hear and determine all appeals in civil and criminal cases, respectively, from judgments rendered by the magistrates' courts and all other inferior courts. The proceedings on such appeals shall be the same as now provided for appeals in such cases from the magistrates', recorders' or municipal courts to the court of common pleas and the court of general sessions.

SECTION 13. Powers of judge.—In all cases and special proceedings within the jurisdiction of the court and pending therein, the judge of the court shall have the same jurisdiction, both in open court and at chambers, as is possessed by the circuit judges over cases pending in the circuit courts over which they are presiding or in the circuits in which they are residents. He shall also have the authority and power as exercised by judges of the circuit court to hear and punish persons in contempt proceedings.

SECTION 14. Terms of court.—The judge shall fix the terms for the civil court as in his discretion may be necessary to adequately dispose of cases on the calendar.

Likewise he shall fix the terms of the criminal court as he deems necessary to expedite the handling of criminal matters within its jurisdiction. In neither event shall any term of the court be fixed that will conflict with the regular term of the circuit court for the county.

SECTION 15. Rules of court.—The general laws, statutory provisions and rules of court, form of proceedings and rules of procedure, practice and evidence applicable generally to the circuit courts of this State and the trials of cases therein shall apply to the court established in this act.

SECTION 16. Judge may change place of trial.—The judge may change the place of trial of any case pending in his court to the circuit court in another county in the same manner as provided by law in respect to changing the place of trial in cases pending in the circuit court.

SECTION 17. Grand jury.—The grand jury drawn for and serving in the court of general sessions of Clarendon County shall constitute the grand jury of the court and shall so serve and act upon all necessary indictments of the court. The grand jury shall attend upon the sessions of the court whenever notified to do so by request of the county solicitor and order of the judge. The county solicitor shall ap-

pear at the regular terms of the court of general sessions and may hand out indictments at that time to the grand jury for the civil and criminal court of Clarendon cases. The grand jury shall act upon such indictments as in indictments presented for cases in the court of general sessions. The grand jurors shall receive as compensation for their services in attendance upon the court the same pay as allowed by law in the court of general sessions; *provided*, however, that indictments shall not be required in cases in which magistrates have concurrent jurisdiction or in cases under Chapter 7, Title 46 of the 1962 Code.

SECTION 18. Jury commissioners.—The board of jury commissioners as constituted by law in the county for the circuit court shall constitute the board of jury commissioners for the court established in this act, and such commissioners shall annually during the month of December of each year proceed to prepare a jury list for the court in the manner and under the provisions relating to the preparation of the jury list for the circuit court. The list may contain the name of a person appearing on the jury list prepared for the circuit court of the county.

SECTION 19. Jury box.—The jury commissioners shall be provided with a strong, substantial box, without apertures or openings when closed, to be known as the "Jury Box for the Civil and Criminal Court of Clarendon," which shall be prepared, secured and kept by them in like manner as is provided to be done in the case of the jury box for the circuit courts. They shall prepare a "tales box" in the manner tales boxes are prepared for courts of general sessions. From the tales box shall be drawn jurors to supply deficiencies arising from any cause or emergency during the sitting of the court. The names of the persons placed in the tales box shall be also placed in the jury box.

SECTION 20. Drawing and summoning of jurors.—The commissioners shall, at least ten days before the convening of the court, draw a panel of petit jurors and the clerk of court shall immediately issue to the sheriff a venire containing the names of the persons thus drawn as petit jurors. Such venire shall be returnable at such time as may be named and the persons so served shall be the jurors for the court. The law relating to the qualifications, drawing and summoning jurors for the circuit court shall apply, except as herein otherwise provided. Not more than eighteen persons

shall be drawn and summoned to attend at the same time at any sessions of the court, unless the court shall otherwise order.

SECTION 21 Service of jurors.—Jurors drawn and summoned shall appear and attend upon the sessions of the court for which they are summoned until discharged by the judge thereof. Service as a juror in the court shall not be held to exempt a juror from service as such in the circuit court in the same year, nor shall service as a juror in the circuit court be held to exempt a juror from service as such in the court in the same year. A juror shall not be required to serve in such court for a full week more than once in the same year except that when the business of the court is not completed during the week for which jurors are drawn such jurors may be held for service at a later term.

SECTION 22. List of jurors—strikes.—In the trial of all civil actions at law in the court and in the trial of all issues ordered to be framed by the judge in equity cases in the court, the clerk shall furnish the parties or their attorneys with a list of ten of the jurors to be drawn and selected by ballot from the whole number of jurors who are in attendance, the names of the lists to be numbered from one to ten. From this list the parties or their attorneys shall alternately strike by number, the plaintiff striking first, until there shall be left but six names, which shall constitute the jury to try the case or issue. Objections for cause shall be allowed and vacancies in the panel filled in the manner now provided in the court of common pleas. A jury for the trial of cases in the court shall consist of six.

SECTION 23. Peremptory challenges in criminal cases.—In the selection of a jury for the trial of criminal cases in the court the accused, when charged with a misdemeanor or a felony, shall be entitled to peremptory challenges as provided by law for such a trial in the court of general sessions, and in the trial of cases of felony the State shall be entitled to peremptory challenges as provided by law for the trial of such cases in the court of general sessions.

SECTION 24. Not necessary to refer certain cases to master.—Actions on the civil side of the court in which reference to the master would, under the law, otherwise be necessary may be heard and determined by the judge of the court either in term time or at chambers, without referring them to the master, upon testimony taken before the judge; and likewise in all cases when a jury trial may not be necessary or required.

SECTION 25. Compensation of jurors and witnesses.—Jurors in attendance upon the sessions of this court shall receive as compensation for their services the same per diem and mileage as jurors in the circuit court. Witnesses in attendance upon the court shall receive the same compensation as witnesses in attendance upon the circuit court.

SECTION 26. Duties of magistrates.—The magistrates of Clarendon County shall promptly file with the clerk of the court all papers in criminal prosecutions triable in the court, and they shall make all bonds and recognizances of witnesses and defendants returnable to the next ensuing term of the court. The clerk of the court shall notify the county solicitor upon the filing of such papers and turn them over to him. The magistrates shall make a list of such witnesses as they deem material on the back of the arrest warrant and, while they shall be careful to furnish the names of witnesses deemed necessary to establish the charge in the warrant, they shall be equally careful not to furnish the names of any witnesses whose testimony is immaterial.

SECTION 27. Costs and fees.—All costs and disbursements allowed the prevailing party and all costs and fees allowed officers of the court in actions in the court of common pleas shall be allowed in actions in the civil and criminal court.

SECTION 28. Judgment roll.—In all civil cases tried in the civil and criminal court, the clerk shall make up and file a judgment roll along with and in the same manner as if the judgment had been rendered in the court of common pleas. He shall also enter the judgment in the abstracts of judgments of the court of common pleas as if such judgment were a judgment of the court of common pleas, and he shall index such judgments in the indices of judgment of the court of common pleas in the same manner as if such judgments were judgments of the court of common pleas for Clarendon County.

SECTION 29. Appeals.—In all civil actions, criminal cases and special proceedings of which the court shall have jurisdiction, the right of appeal shall be to the Supreme Court and in the same manner and pursuant to the same rules, practice and procedure as now govern appeals from circuit courts.

SECTION 30. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 1st day of June, 1966.

(R1423, H2747)

No. 1125

An Act To Create The Board of Assessment Control, The Office of Tax Assessor And The Board Of Assessment Appeals And To Provide For Their Powers And Duties; To Devolve The Duties Of The Spartanburg County Board Of Equalization Upon The Board Of Assessment Appeals; To Amend Sections 65-1803 And 65-1862, Code Of Laws Of South Carolina, 1962, As Amended, Relating To The Exemption Of Richland County From The General Provisions Relating To Boards Of Assessors In Cities And Towns And To The Composition Of County Boards Of Equalization, So As To Exempt Spartanburg County From Such General Provisions; And To Provide Penalties For Violations.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Spartanburg County Board of Assessment Control created.—There is hereby created the Spartanburg County Board of Assessment Control to be composed of nine members to be appointed as follows: One member from each school district in Spartanburg County shall be appointed by the Governor, upon the recommendation of a majority of the board of trustees of each school district; and one member who is a resident of the City of Spartanburg shall be appointed by the Governor, upon the recommendation of a majority of the City Council of the City of Spartanburg, including the Mayor. The terms of the members shall be for three years or until their successors are appointed and qualify. The members of the board may succeed themselves.

Vacancies on the board by reason of death, resignation, removal or otherwise, shall be filled for the unexpired portion of the term in the same manner as the original appointment. The board shall appoint a chairman and a secretary.

SECTION 2. Powers and duties.—The board shall have the same powers and duties as granted such boards under the general laws of the State. The board shall establish methods and policies, make and promulgate rules and regulations consistent with this act for the fair and equitable assessment of all taxable property within Spartanburg County and shall direct all residents of Spartanburg County, who are required by law to make returns of personal property, to make returns of real estate and improvements thereon, when such returns are deemed necessary by the Board of Assessment Control.

SECTION 3. Tax assessor.—There shall be a tax assessor for Spartanburg County who shall be employed by the Spartanburg County Board of Assessment Control. The expenses of operating the office of tax assessor shall be appropriated each year in the county appropriations act. The tax assessor shall select such other personnel to assist him in his duties as shall be authorized by the Spartanburg County Board of Control.

SECTION 4. Power and duties.—All powers, duties and services of the boards of tax assessors, boards of township assessors and chairmen of boards of assessors, so far as they relate to the assessment and valuation of property, shall be devolved upon the tax assessor.

The tax assessor shall be held responsible for the acts of his office and have authority to act in the following, subject to the guidance of the assessment board, and shall:

(1) Carefully consider the returns and lists laid before the tax assessor by the county auditor and, if necessary, compare them with the tax returns and lists of the current returns and lists of the current and previous years;

(2) Diligently seek for all property, both real and personal, not previously returned by the owners or agents thereof or not listed for taxation by the county auditor and list it for taxation in the name of the owner or person to whom it is taxable;

(3) Fairly and impartially assess the value of all property, both real and personal, and enter it upon the returns and lists furnished the tax assessor;

(4) Make such changes in the valuation of any taxable property as returned by any person or as fixed by the county auditor as may, in the tax assessor's judgment, be necessary or proper to conform with the methods, policies, rules and regulations of the Spartanburg County Board of Assessment Control;

(5) From time to time, reassess any or all taxable property so as to reflect its proper valuation in the light of changed conditions;

(6) Determine all assessments and reassessments in such a manner that the ratio of assessed value to fair market value shall be uniform throughout the county;

(7) Insure that a reassessment and equalization of all real property in Spartanburg County and in the City of Spartanburg be accomplished with all deliberate promptitude, pursuant to any countywide reassessment and equalization program authorized by the county authorities, and to insure that the equalization thereafter is maintained

according to the standards and methods thus developed; *provided*, however, that the overall taxation for the county shall not be increased initially by more than one per cent;

Provided, further, that taxable property not on the tax books and property whose value may have changed by reason of renovation, new construction, destruction, or type of use, shall be taxed according to the new assessment and thereafter according to the current assessment, and shall not be included in determining the initial overall taxation increase for the county.

SECTION 5. Board of Assessment Appeals created.—There is hereby created a Board of Assessment Appeals for Spartanburg County. The powers and duties of the Spartanburg County Board of Equalization are hereby devolved upon the Board of Assessment Appeals. The Board of Assessment Appeals shall consist of five members, to be appointed by the Governor upon the recommendation of a majority of the Spartanburg County Legislative Delegation, including the Senator. The board shall elect a chairman and a secretary. The terms of the members of the board shall be for three years or until their successors are appointed and qualify. Of the members of the board first appointed, one shall serve for a term of one year, two shall serve for terms of two years, and two shall serve for terms of three years. The members of the board may not succeed themselves. Vacancies on the Board of Assessment Appeals by reason of death, resignation, removal or otherwise, shall be filled for the unexpired portion of the term in the same manner as the original appointment. The board shall meet whenever necessary, but shall meet on the first Tuesday in each month to act on appeals from the assessments of the tax assessor. The board members shall be paid on a per diem basis as provided for annually in the county appropriations act.

SECTION 6. Appeals.—The right is reserved to any property owner and taxpayer to appeal from the decision of the Spartanburg County Board of Assessment Appeals to the South Carolina Tax Commission for such relief as may be available to him under the general law of South Carolina.

SECTION 7. Section 65-1803 amended—exceptions for certain counties.—Section 65-1803 of the 1962 Code, as amended, is further amended by striking it in its entirety and inserting in lieu thereof the following so as to exempt Spartanburg County from the

general provisions relating to boards of assessors. The section when amended shall read as follows:

“Section 65-1803. Nothing contained in Section 65-1802 shall be construed as affecting the Richland County Board of Assessment Control, the Richland County Board of Assessment Appeals, the Florence County Board of Assessment Control, the Florence County Board of Assessment Appeals, the Spartanburg County Board of Assessment Control nor the Spartanburg County Board of Assessment Appeals.”

SECTION 8. Section 65-1862 amended—not applicable to certain counties.—Section 65-1862 of the 1962 Code, as amended, is further amended by striking it in its entirety and inserting in lieu thereof the following so as to exempt Spartanburg County from the general provisions relating to the composition of county boards of equalization. The section when amended shall read as follows:

“Section 65-1862. The provisions of Section 65-1861 shall not apply to Richland County, Florence County nor Spartanburg County.”

SECTION 9. Assessments not to be changed until program completed.—Until such time as the Spartanburg County Board of Assessment Control has declared that the current reassessment and equalization program in Spartanburg County shall have been completed, with the exception of appeals, no tax assessment shall be changed because of or on the basis of such reassessment and equalization program.

SECTION 10. Penalties.—Any person violating the provision of this act shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not more than one hundred dollars or be imprisoned for not more than thirty days.

SECTION 11. Time effective.—This act shall take effect on July 1, 1966.

Approved the 26th day of May, 1966.

(R1425, H2698)

No. 1126

An Act To Amend Section 59-179.2, Code Of Laws Of South Carolina, 1962, Relating To The Powers Of The Commissioners Of Public Works In The Cities Of Greenwood And Laurens, So As To Authorize The Board Of Commissioners Of Public Works Of The City Of Greenwood To Act As Collection Agency For Sewer Service Charges Of Greenwood Metropolitan Commission, And To Discontinue Sewer Service For Nonpayment Of Sewer Service Charges.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 59-179.2 amended—powers and duties—collection of service charges.—Section 59-179.2 of the 1962 Code is amended by adding the following paragraph at the end thereof :

“The Board of Commissioners of Public Works of the City of Greenwood is authorized to contract with the Greenwood Metropolitan Commission in the same manner that the commission is authorized to contract with such board to perform clerical, engineering, billing and collecting and other operational aspects. The board, in addition to its other powers, is authorized to contract with the commission to act as its agent in billing, enforcing collection, and collection of sewer service charges imposed by the commission. The board may refuse or cut off service of all of its utilities to any customer for failure to pay for such services, and may refuse or cut off electrical, gas and water services for nonpayment of sewer service furnished by the commission. The board may render combined bills for service of gas, electricity, water and sewer service, and require single aggregate payment in full.” The section when amended shall read as follows: “Section 59-179.2. The board of commissioners of public works of the city of Greenwood and the city of Laurens may purchase, build or contract for building any waterworks, electric system, gas system or sanitary sewerage system and all appurtenances and parts of such systems, authorized under article 5 of this chapter, and may operate them and shall have full and exclusive control and management of them. Such boards may supply and furnish such facilities and may require payment of such rates, tolls and charges as it may establish for the use of any such utilities.

The Board of Commissioners of Public Works of the City of Greenwood is authorized to contract with the Greenwood Metropolitan Commission in the same manner that the commission is authorized

to contract with such board to perform clerical, engineering, billing and collecting and other operational aspects. The board, in addition to its other powers, is authorized to contract with the commission to act as its agent in billing, enforcing collection, and collection of sewer service charges imposed by the commission. The board may refuse or cut off service of all of its utilities to any customer for failure to pay for such services, and may refuse or cut off electrical, gas and water services for nonpayment of sewer service furnished by the commission. The board may render combined bills for service of gas, electricity, water and sewer service, and require single aggregate payment in full."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 8th day of June, 1966.

(R1435, H2304)

No. 1127

An Act To Disqualify Certain Persons From Serving As Jurors.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Disqualifications for jury service.—In addition to any other provision of law, no person shall be qualified to serve as a juror in any court in this State if:

(1) He has been convicted in a State or Federal court of record of a crime punishable by imprisonment for more than one year and his civil rights have not been restored by pardon or amnesty;

(2) He is unable to read, write, speak or understand the English language;

(3) He is incapable by reason of mental or physical infirmities to render efficient jury service;

(4) He has less than a sixth grade education or its equivalent.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 8th day of June, 1966.

(R1440, H2740)

No. 1128

An Act To Amend Sections 14-400.722, 14-400.723, 14-400.724 and 14-400.725, Code Of Laws Of South Carolina, 1962, Relating To The Application And Form Of Construction Permits In Charleston County And The Site For Posting And Fees For Such Permits, So As To Require The County Board Of Assessment Control To Prepare And Furnish Application Forms To Magistrates; To Require Certain Municipalities To Send Copies Of Issued Permits To The Board Of Assessment Control And To Change The Reference To Board Of Assessment To Charleston County Board Of Assessment Control; And To Amend The Code Of Laws Of South Carolina, 1962, By Adding New Section 14-400.727, So As To Make It Unlawful For Any Public Utility Company Or Rural Cooperative To Make An Electrical Connection Without A Permit.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 14-400.722 amended—forms and information.—Section 14-400.722 of the 1962 Code, relating to the application and filing of construction permits with the magistrate in Charleston County, is amended by striking it in its entirety so as to provide that the Charleston County Board of Assessment Control shall prepare and furnish such application forms to the magistrate. The section when amended shall read as follows:

“Section 14-400.722. The Charleston County Board of Assessment Control shall prepare and furnish the application forms to the magistrates which shall show information to be of assistance to them in locating the real estate on which a new building is to be made and in checking tax returns. The information shall include, but shall not be limited to, the following: (a) Name of owner of the real estate; (b) school district; (c) street number or road and rural post office box number; (d) estimated cost of construction; (e) type of construction; (f) type of roof; (g) number of stories; (h) number of rooms; and (i) approximate distance from the limits of the nearest municipality.”

SECTION 2. Section 14-400.723 amended — municipalities to furnish copies.—Section 14-400.723 of the 1962 Code which relates to the form of the permit issued by the magistrate, is amended by striking it in its entirety so as to require that copies of issued permits

by certain municipalities be furnished to the Charleston County Board of Assessment Control. The section when amended shall read as follows:

“Section 14-400.723. Every municipality in the county, requiring permits for the erection or construction of any improvements upon real estate situate within the municipality, shall furnish to the Charleston County Board of Assessment Control copies of all permits issued by the municipality.”

SECTION 3. Section 14-400.724 amended—where permit to be kept.—Section 14-400.724 is amended by striking on line five “board of assessment for the county” and inserting in lieu thereof “Charleston County Board of Assessment Control”. The section when amended shall read as follows:

“Section 14-400.724. The permit when issued shall be kept at the building or place where such construction, erection, improvement or alteration is being done and on demand shall be produced by the person in charge of such work for inspection by any police officer or any member of the Charleston County Board of Assessment Control, and it shall be unlawful to continue the said work after such demand unless and until the permit is produced for such inspection.”

SECTION 4. Section 14-400.725 amended—issuance of permit—fee.—Section 14-400.725 is amended on line three by striking “board of assessment for Charleston County” and inserting in lieu thereof “Charleston County Board of Assessment Control.” The section when amended shall read as follows:

“Section 14-400.725. The magistrate issuing any permit as provided for in this article shall deliver to the Charleston County Board of Assessment Control and also to the county auditor within five days copies of the permit so issued. Each applicant at the time of securing any permit shall pay to the magistrate an inspection and permit fee of one dollar for each building covered in the permit. The magistrate shall retain such fees to cover the cost of issuing permits and any and all other expenses in connection with the enforcement of this article. Each magistrate in the portions of the county affected by this article shall post and keep posted a copy of this article in his office and in two other public places in his district.”

SECTION 5. Section 14-400.727 added—electricity not to be furnished without permit.—The Code of Laws of South Carolina, 1962, is amended by adding Section 14-400.727 so as to make it un-

lawful for a public utility company or rural electric cooperative to furnish electricity without a permit. The section when added shall read as follows:

"Section 14-400.727. It shall be unlawful for any public utility company or rural electric cooperative to make a new connection of electrical energy to a new building or facility requiring a permit under this act unless such permit was acquired for the construction of the building or facility. Any company or cooperative making a connection shall report to the Charleston County Board of Assessment Control on or before the tenth of each month the location of each connection, together with such other information as the board may direct."

SECTION 6. Time effective.—This act shall take effect July 1, 1966.

Approved the 8th day of June, 1966.

(R1442, H2702)

No. 1129

An Act To Amend Act 148 Of 1965, Relating To The Kershaw County Economic Opportunity Commission, So As To Increase The Membership Thereof.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 3 of Act 148 of 1965 amended—increase membership of Economic Opportunity Commission, Kershaw County.—Section 3 of Act 148 of 1965 is amended on line two by striking the word "nine" and inserting "twenty". The section when amended shall read as follows:

"Section 3. The commission shall be composed of twenty members who shall be appointed by the Governor upon the recommendation of the legislative delegation. The members of the commission shall serve without compensation."

SECTION 2. Section 4 of Act 148 of 1965 amended—membership further.—Section 4 of Act 148 of 1965 is amended on line six by striking the word "four" and inserting "ten". The section when amended shall read as follows:

"Section 4. The terms of office of the members of the commission shall be for two years or until their successors are appointed

and qualify. In the event of a vacancy in the membership of the commission, a successor for the unexpired portion of the term shall be appointed in the same manner as his predecessor. Of the initial appointees, ten shall serve for one year.”

SECTION 3. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 21st day of June, 1966.

(R1307, S797)

No. 1130

An Act To Provide For The Expiration Of Terms Of Certain Appointed Officers Of Dorchester County As Of June 30, 1966; And To Provide For The Appointment Of Their Successors As Of July 1, 1966.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Terms of certain officials of Dorchester County.—Notwithstanding any provisions of law to the contrary, the terms of office of the following appointed officeholders of Dorchester County shall expire on June 30, 1966, at which time their successors shall be appointed to take office on July 1, 1966, for terms of two years and until their successors are appointed and qualify: (a) County Attorney; (b) Master in Equity; (c) members of the Board of Education; (d) Tax Collector; (e) members of the Industrial Planning Board; (f) Road Supervisor; (g) members of the Forfeited Land Commission; (h) members of the Board of Registration; (i) members of the Welfare Board; (j) members of the Library Board; (k) members of the Water Authority; and (l) members of the Forestry Board.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 20th day of June, 1966.

(R1282, S763)

No. 1131**An Act To Create An Ambulance Service District In Chesterfield County And To Provide A Penalty.**

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Chesterfield Ambulance District created.—The Chesterfield Ambulance District is hereby created and shall include all of Chesterfield County. The governing body of the county shall act as the governing body of the district.

SECTION 2. Governing body to furnish ambulance service.—The governing body shall be charged with the duty of furnishing adequate ambulance service for the residents of the district and may grant a franchise to a private concern, under such terms and conditions as it deems necessary, for the right to furnish ambulance service in the district.

SECTION 3. Penalties.—It shall be unlawful for any person to operate an ambulance service in the district without a franchise or written permission from the governing body. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than one hundred dollars or be imprisoned for not more than thirty days. Each violation shall constitute a separate offense.

SECTION 4. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 27th day of June, 1966.

(R1287, S803)

No. 1132**An Act To Amend Section 20-145, Code Of Laws Of South Carolina, 1962, Relating To The Jurisdiction Of The Standing Master For Richland County, So As To Provide That The Standing Master For Richland County Shall Have Jurisdiction In Cases Of Divorce *A Mensa Et Thoro*, Legal Separation, Support, Child Custody, Adoption Or Any Other Domestic Relations Action.**

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 20-145 amended—jurisdiction of standing master.—Section 20-145 of the 1962 Code is amended on line three

between the words "matrimony" and "in" by inserting ", divorce *a mensa et thoro*, legal separation, support, child custody, adoption or any other domestic relations action". The section when amended shall read as follows:

"Section 20-145. The standing master shall be the master in equity to whom can be referred causes involving the granting of divorces from the bonds of matrimony, divorce *a mensa et thoro*, legal separation, support, child custody, adoption or any other domestic relations action in this State as provided for by law. He shall not have jurisdiction to hear or pass upon any other equitable proceedings."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 27th day of June, 1966.

(R1291, S811)

No. 1133

An Act To Amend An Act Of 1966 Bearing Ratification No. 1258, Relating To The Lancaster County Ambulance Service District, So As To Provide For The Payment Of Court Costs And Attorneys' Fees To Enforce Collection Of Ambulance Service Charges And To Provide For Presumed Permission To Request Ambulance Service In Certain Instances.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Act 1060 of 1966 amended—Section 3-A added—presumption of permission for request for service—Section 3-B added—collection of service charges.—An act of 1966 bearing Ratification No. 1258 is amended by adding two new sections which shall read as follows:

"Section 3-A. Any person who is unconscious and in apparent need of ambulance service shall be presumed to have granted permission to anyone to request such service. In the case of a minor, the parent or guardian shall be presumed to have granted such permission.

SECTION 3-B. If it shall be necessary for a person furnishing ambulance service to require legal assistance to collect such service charge, then the person receiving the service shall be required to pay

court costs in addition to reasonable attorney's fee which shall not be less than fifteen dollars."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 27th day of June, 1966.

PART II**Local and Temporary**

(R744, H1928)

No. 1134**An Act To Provide For Appropriations For The Extra Session
Of The General Assembly Convened December 13, 1965.**

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. The following sums are hereby appropriated out of the General Fund of the State to defray the cost of operation of the extra session of the General Assembly convened December 13, 1965 :

Item 1. The Senate :

A-1. Salaries :	
Senators	\$ 46,920.00
B-2. Mileage	3,000.00
Subsistence	8,280.00
C-4. Postage	690.00
E. Contingencies :	
Approved Accounts	15,000.00
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Total (Item 1) The Senate	\$ 73,890.00

Item 2. House of Representatives :

A-1. Salaries :	
Representatives	\$104,160.00
The Speaker	600.00
Speaker Pro Tempore	160.00
B-2. Mileage	7,403.76
Subsistence	22,320.00
Official Expense Allowance—Speaker	320.00
C-4. Postage	1,860.00
E. Contingencies :	
Approved Accounts	16,500.00
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Total (Item 2) House of Representatives	\$153,323.76

Item 3. Special Services for both Houses :

Approved Accounts	\$ 2,500.00
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Item 4. Codification of Laws and Legislative Council :

Approved Accounts\$ 6,200.00

Total\$235,913.76

SECTION 2. This act shall take effect upon approval by the Governor.

Approved the 20th day of January, 1966.

(R1334, H1157)

No. 1135

A Joint Resolution Proposing Amendments To Section 11 Of Article VIII Of The Constitution Of South Carolina, 1895, Relating To Alcoholic Liquors And Beverages, So As To Empower The General Assembly To Specify The Hours During Which Alcoholic Beverages May Be Sold; And To Provide For The Sale Thereof Of Less Than One-Half Pint And To Provide For The Consumption Thereof On The Premises Where Sold In Any County Voting In Favor Thereof In The General Election Of 1966.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Amendment to Article VIII, Section 11, State Constitution, proposed—empower General Assembly to specify hours for sale of alcoholic beverages—sale of less than one-half pint—consumption on premises.—There is proposed the following amendment to Section 11 of Article VIII of the Constitution of South Carolina, 1895: strike the words “, or to sell them between sundown and sunrise,” in the first proviso and add after the word “premises” in the first proviso “, but the General Assembly shall provide for the sale and consumption of alcoholic beverages without regard to the limitations herein in any county where a majority of the qualified electors therein voting in the general election of 1966 vote to be exempt from the restrictions contained in this proviso”. The section when amended shall read as follows:

“Section 11. In the exercise of the police power the General Assembly shall have the right to prohibit the manufacture and sale and retail of alcoholic liquors or beverages within the State. The General Assembly may license persons or corporations to manufacture and

sell and retail alcoholic liquors or beverages within the State under such rules and restrictions as it deems proper; or the General Assembly may prohibit the manufacture and sale and retail of alcoholic liquors and beverages within the State, and may authorize and empower State, County and municipal officers, all or either, under the authority and in the name of the State, to buy in any market and retail within the State liquors and beverages in such packages and quantities, under such rules and regulations, as it deems expedient: *Provided*, That no license shall be granted to sell alcoholic beverages in less quantities than one-half pint or to sell them to be drunk on the premises, but the General Assembly shall provide for the sale and consumption of alcoholic beverages without regard to the limitations herein in any county where a majority of the qualified electors therein voting in the general election of 1966 vote to be exempt from the restrictions contained in this proviso: *And provided, further*, That the General Assembly shall not delegate to any municipal corporation the power to issue licenses to sell the same."

SECTION 2. Submission to electors.—The proposed amendments shall be submitted to the qualified electors at the next general election for representatives. Ballots shall be provided at the various voting precincts with the following words printed or written thereon: "Shall Section 11 of Article VIII of the Constitution of South Carolina, 1895, be amended so as to empower the General Assembly to specify the hours during which alcoholic beverages may be sold?"

In favor of the amendment ☐

Opposed to the amendment ☐

Those voting in favor of the amendment shall deposit a ballot with a check or cross mark in the square after the words "In favor of the amendment", and those voting against the amendment shall deposit a ballot with a check or cross mark in the square after the words "Opposed to the amendment".

"Shall Section 11 of Article VIII of the Constitution of South Carolina, 1895, be amended so as to empower the General Assembly to provide for the sale of alcoholic liquors and beverages in less quantities than one-half pint in any county where a majority of the qualified electors therein voting in this election vote favorably therefor?"

In favor of the amendment ☐

Opposed to the amendment ☐

Those voting in favor of the amendment shall deposit a ballot with a check or cross mark in the square after the words "In favor of the

amendment", and those voting against the amendment shall deposit a ballot with a check or cross mark in the square after the words "Opposed to the amendment".

"Shall Section 11 of Article VIII of the Constitution of South Carolina, 1895, be amended so as to empower the General Assembly to provide for the consumption of alcoholic liquors and beverages on the premises where sold in any county where a majority of the qualified electors therein voting in this election vote favorably therefor?

In favor of the amendment ☐

Opposed to the amendment ☐

Those voting in favor of the amendment shall deposit a ballot with a check or cross mark in the square after the words "In favor of the amendment", and those voting against the amendment shall deposit a ballot with a check or cross mark in the square after the words "Opposed to the amendment".

Ratified the 20th day of May, 1966.

(R1434, H1165)

No. 1136

A Joint Resolution Proposing An Amendment To Section 22, Article V, Constitution Of South Carolina, 1895, Relating To Trials By Jury, So As To Permit Women To Serve On Juries.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Amendment to Article V, Section 22, State Constitution—proposed—women may serve on juries.—There is proposed the following amendment to Section 22, Article V, Constitution of South Carolina, 1895, strike the word "men" on line six and insert "persons" so that, when so amended, the section shall read as follows:

"Section 22. All persons charged with an offense shall have the right to demand and obtain a trial by jury. The jury in cases civil or criminal in all municipal Courts, and Courts inferior to Circuit Courts, shall consist of six. The grand jury of each County shall consist of eighteen members, twelve of whom must agree in a matter before it can be submitted to the Court. The petit jury of the Circuit Courts shall consist of twelve persons, all of whom must agree to a verdict in order to render the same. Each juror must be a qualified

elector under the provisions of this Constitution, between the ages of twenty-one and sixty-five years, and of good moral character.”

SECTION 2. Submission to electors.—The proposed amendment shall be submitted to the qualified electors at the next general election for representatives. Ballots shall be provided at the various voting precincts with the following words printed or written thereon: “Shall Section 22, Article V, Constitution of South Carolina, 1895, be amended so as to permit women to serve on juries?”

In favor of the amendment ☐

Opposed to the amendment ☐

Those voting in favor of the amendment shall deposit a ballot with a check or cross mark in the square after the words ‘In favor of the amendment,’ and those voting against the amendment shall deposit a ballot with a check or cross mark in the square after the words ‘Opposed to the amendment’.

Ratified the 20th day of May, 1966.

(R1153, S624)

No. 1137

A Joint Resolution Proposing Amendments To Sections 1 And 2 Of Article XII Of The Constitution Of This State, Relating To State Mental Institutions And The Governing Body Thereof, So As To Changs Insane To Mentally Ill; To Change The Name And Increase The Membership Of The Governing Body Thereof And To Change The Name Of The Superintendent Of Such Institution.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Amendment to Aritcle XII, Section 1, State Constitution proposed—change “insane” to “mentally ill.”—There is hereby proposed the following amendment to Section 1 of Article XII of the Constitution of this State: strike “insane” on line two and insert “mentally ill”. The section when amended shall read as follows:

“Section 1. Institutions for the care of the mentally ill and the poor shall always be fostered and supported by this State, and shall be subject to such regulations as the General Assembly may enact.”

SECTION 2. Submission to electors.—The proposed amendment shall be submitted to the qualified electors at the next general election

for representatives. Ballots shall be provided at the various voting precincts with the following words printed or written thereon: "Shall Section 1 of Article XII of the Constitution of this State be amended so as to change 'insane' to 'mentally ill'?"

In favor of the amendment ☐

Opposed to the amendment ☐

Those voting in favor of the amendment shall deposit a ballot with a check or cross mark in the square after the words 'In favor of the amendment', and those voting against the amendment shall deposit a ballot with a check or cross mark in the square after the words 'Opposed to the amendment'."

SECTION 3. Amendment to Article XII, Section 2, State Constitution, proposed—governing body of state mental institution—change name—increase membership—name of superintendent.—There is proposed the following amendment to Section 2 of Article XII of the Constitution of this State: strike the section in its entirety and insert the following:

"Section 2. The Governor shall, with the advice and consent of the Senate, appoint a governing board of the State Department of Mental Health, consisting of seven members, whose terms of office shall be designated by the General Assembly, subject to removal by the Governor for cause. The Board shall have charge of such institutions and programs as may be maintained by the State for the care of the mentally ill. The Board shall have exclusive power to appoint and, in its discretion, remove a State Commissioner of Mental Health, who shall be a physician, and who shall have the power, in his discretion, to appoint and remove all other officers and employees of such institutions and programs, subject to the approval of the Board."

SECTION 4. Submission to electors.—The proposed amendment shall be submitted to the qualified electors at the next general election for representatives. Ballots shall be provided at the various voting precincts with the following words printed or written thereon: "Shall Section 2 of Article XII of the Constitution of this State be amended so as to change the name and increase the membership of the governing body of State Mental Institutions and to change the name of the Superintendent of such institutions?"

In favor of the amendment ☐

Opposed to the amendment ☐

Those voting in favor of the amendment shall deposit a ballot with a check or cross mark in the square after the words 'In favor of the amendment', and those voting against the amendment shall deposit a ballot with a check or cross mark in the square after the words 'Opposed to the amendment'."

Ratified the 6th day of May, 1966.

(R1146, S633)

No. 1138

A Joint Resolution Proposing An Amendment To Section 7 Of Article III Of The Constitution Of South Carolina, 1895, Relating To The Qualifications Of Senators And Members Of The House Of Representatives, So As To Provide That A Senator Shall Be A Qualified Elector In The Senatorial District In Which He May Be Chosen As To A Particular Seat Designated By The General Assembly.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Amendment to Section 7, Article III, State Constitution, proposed—senator shall be qualified elector in senatorial district as to a particular seat.—There is proposed the following amendment to Section 7 of Article III of the Constitution of this State: rephrase the section so as to require a Senator to be a qualified elector of the Senatorial District in which he may be chosen, in regard to any particular seat as may be designated by the General Assembly, so that when amended the section shall read as follows:

"Section 7. No person shall be eligible for a seat in the Senate or House of Representatives who, at the time of his election, is not a duly qualified elector under this Constitution in the Senatorial District in regard to any particular seat as may be designated by the General Assembly, as to the Senate, and in the county, as to the House, in which he may be chosen. Senators shall be at least twenty-five and Representatives at least twenty-one years of age."

SECTION 2. Submission to electors.—The proposed amendment shall be submitted to the qualified electors at the next general election for representatives. Ballots shall be provided at the various voting precincts with the following words printed or written thereon:

"Shall Section 7 of Article III of the Constitution of this State be amended so as to provide that no person shall be eligible

in regard to any particular seat as may be designated by the General Assembly in the Senate who is not a qualified elector in the Senatorial District in which he may be chosen?

In favor of the amendment ☐

Opposed to the amendment ☐

Those voting in favor of the amendment shall deposit a ballot with a check or cross mark in the square after the words 'In favor of the amendment' and those voting against the amendment shall deposit a ballot with a check or cross mark in the square after the words 'Opposed to the amendment'."

Ratified the 6th day of May, 1966.

(R1154, S631)

No. 1139

A Joint Resolution Proposing An Amendment To Section 8 Of Article III Of The Constitution Of This State, Relating To The Election Of Members Of The General Assembly, So As To Delete The Provisions Relating To Senators, Staggered Terms And First Terms Of Senators From New Counties.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Amendment to Article III, Section 8, State Constitution, proposed—delete provisions regarding senators, staggered terms, and first terms of senators from new counties.—There is proposed the following amendment to Section 8 of Article III of the Constitution of this State: Change the semicolon on line five after "prescribe" to a period and delete the remainder of the section which now reads:

"Section 8. The first election for members of the House of Representatives under this Constitution shall be held on Tuesday after the first Monday in November Eighteen hundred and Ninety-six, and in every second year thereafter, in such manner and at such places as the General Assembly may prescribe; and the first election for Senators shall be held on Tuesday after the first Monday in November Eighteen hundred and Ninety-six, and every fourth year thereafter, except in Counties in which there was an election for Senator in Eighteen hundred and Ninety-four for a full term, in which Counties no election for Senator shall be held until the general

election to be held in Eighteen hundred and Ninety-eight, and every fourth year thereafter, except to fill vacancies. Senators shall be so classified that one-half of their number, as nearly as practicable, shall be chosen every two years. Whenever the General Assembly shall establish more than one County at any session, it shall so prescribe the first term of the Senators from such Counties as to observe such classification."

The section when amended shall read as follows:

"Section 8. The first election for members of the House of Representatives under this Constitution shall be held on Tuesday after the first Monday in November Eighteen hundred and Ninety-six, and in every second year thereafter, in such manner and at such places as the General Assembly may prescribe."

SECTION 2. Submission to electors.—The proposed amendment shall be submitted to the qualified electors at the next general election for representatives. Ballots shall be provided at the various voting precincts with the following words printed or written thereon: "Shall Section 8 of Article III of the Constitution of this State be amended so as to eliminate the references to the election of Senators, including staggered terms and terms of Senators from new counties?"

In favor of the amendment ☐

Opposed to the amendment ☐

Those voting in favor of the amendment shall deposit a ballot with a check or cross mark in the square after the words 'In favor of the amendment', and those voting against the amendment shall deposit a ballot with a check or cross mark in the square after the words 'Opposed to the amendment.'"

Ratified the 6th day of May, 1966.

(R1323, H1024)

No. 1140

An Act To Provide For Ballots In The Election Of State Senators And The Counting Of The Ballots In Any Particular Election Where Only One Name Is Printed Thereon For 1966 Only.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Ballots for state senators.—The Secretary of State shall furnish ballots for the office of State Senator which shall be separate and of a color different from any other ballot.

SECTION 2. Ballots—further.—The ballot shall contain a vertical column for each Senate office in the respective senatorial districts and be substantially in the following form:

STATE SENATE BALLOT

			Ballot number
<i>Name of Party</i>	<i>Vote for one Senate Office No. 1</i>	<i>Vote for one Senate Office No. 2</i>	<i>Vote for one Senate Office No. 3</i>
Democrat <input type="checkbox"/>	Candidate's name <input type="checkbox"/>	Candidate's name <input type="checkbox"/>	Candidate's name <input type="checkbox"/>
Republican <input type="checkbox"/>	Candidate's name <input type="checkbox"/>	Candidate's name <input type="checkbox"/>	Candidate's name <input type="checkbox"/>
Write-In			

INSTRUCTIONS—To vote a straight party ticket, place an “X” in the square beside the name of your party. Nothing further need or should be done. To vote a mixed ticket, or in other words for candidates of different parties, omit placing an “X” in the party square and place an “X” in the voting square opposite the name of each candidate on the ballot for whom you wish to vote. If you wish to vote for a candidate not on any ticket, write or place the name of such candidate on your ticket under the name of the office in the space provided for. Before leaving the booth fold the ballot so that the initials of the manager may be seen on the outside.

On ballots for all multicounty districts to which are assigned more than one Senator, instructions shall be printed immediately above the vertical columns instructing the voter that he must vote for one in each Senate contest in his district; and that failing to do so his ballot shall not count.

SECTION 3. Counting of ballots.—In a Senate office election where only one name is printed on the ballot for that office and no other name has been written in by the voter for that particular office the ballot shall be counted as a vote for the person whose name is printed thereon provided the remainder of the ballot is valid.

SECTION 4. Deposit of ballots.—The ballots shall be deposited in the same box as ballots for Statewide offices.

SECTION 5. Effective for 1966 only.—The provisions of this act shall be effective for 1966 only and shall not be considered as repealing any other provision of law to the contrary.

SECTION 6. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 26th day of May, 1966.

(R822, H1985)

No. 1141

A Joint Resolution To Amend Act No. 925 Of 1956, Relating To The South Carolina Tricentennial Commission, So As To Further Provide Therefor.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Act 925 of 1956 amended—S. C. Tricentennial Commission created—members—appointments—powers and duties—report—property.—Act No. 925 of 1956 is amended by striking all after the enacting words and inserting in lieu thereof the following :

“Section 1. There is hereby established a commission to be known as the South Carolina Tricentennial Commission which shall consist of the Governor, who shall be a member ex officio, the Mayor of Charleston, who shall be a member ex officio, three members of the Senate to be appointed by the President of the Senate, three members of the House of Representatives to be appointed by the Speaker of the House, ten members to be appointed by the Governor, five members to be appointed respectively by the South Carolina Archives Commission, the South Carolina Historical Society, the South Carolina Historical Association, the South Caroliniana Society and the Confederation of South Carolina Local Historical Societies.

“Section 2. All appointments shall be made within ninety days after the effective date of this act and all vacancies shall be filled in the same manner as the original appointments. As soon as practicable after appointment, the Governor shall call a meeting of the commission at which time a chairman, a secretary, and such other officers as are deemed necessary shall be elected.

“Section 3. The commission shall have the following powers and duties :

(1) to plan an overall program for the celebration of the Three-Hundredth Anniversary of the founding of the State of South Carolina ;

- (2) to accept donations of money, property, or personal services;
- (3) to procure such documents, transcripts or other materials as it deems necessary or important;
- (4) to adopt a seal and make rules for its own government;
- (5) to cooperate with any other group or agency in preparing its plans and programs;
- (6) to request the Governor to issue proclamations urging the people of the State and of the United States to participate in and observe its programs;
- (7) to employ such personnel as may be necessary with funds made available to it; and
- (8) to do such other things as it deems necessary in order to carry out the provisions of this act.

"Section 4. A report of the activities of the commission, including an accounting of funds received and expended, shall be furnished to the General Assembly annually. A final report shall be made to the General Assembly not later than January 1, 1972, at which time the commission shall be dissolved and all duties required of it shall terminate.

"Section 5. All property acquired or held prior to the termination of the commission shall be disposed of as it sees fit and any monies remaining shall be deposited in the general fund of the State.

"Section 6. This act shall take effect upon approval by the Governor."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 2nd day of March, 1966.

An Act To Amend Act No. 313 Of The Acts And Joint Resolutions Of 1959, As Amended, Establishing A Commission To Commemorate The One Hundredth Anniversary Of The Participation By The State Of South Carolina In The American War Between The Confederate States Of America, South, And The Federal Union, So As To Extend The Time Of Making A Report To The General Assembly To July 1, 1966, And To Extend The Life Of The Commission To July 1, 1966.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Act 313 of 1959 amended—time for making final report extended.—The time provided for by Act No. 313 of the Acts and Joint Resolutions of 1959, as amended, for making a final report by the Commission to the General Assembly is hereby extended from May 1, 1966 to July 1, 1966, and the life of the Commission is extended to July 1, 1966. This extension shall involve no appropriation of funds.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 4th day of May, 1966.

(R1164, H2417)

No. 1143

An Act To Continue The Work Of The Committee Appointed Pursuant To Senate Resolution No. 279 Of 1961 To Study The Insurance Laws Of This State Through 1968.

Whereas, the investigations of the various committees heretofore appointed for the purpose of improving and revising the laws relating to the whole field of insurance have indicated the need for further study and investigation. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Insurance study committee continued.—The committee created by the General Assembly in 1961 pursuant to Senate Resolution No. 279 of 1961 and continued by Act No. 414 of 1963 and Act No. 1085 of 1964 to study the insurance laws of this State shall continue to make such study and report its findings and recommendations to the General Assembly as soon after the convening of the 1967 and 1968 sessions, respectively, as is practicable.

SECTION 2. Compensation of members.—The members of the committee shall be allowed the usual per diem, mileage and subsistence as provided by law for members of boards, commissions and committees to be paid from the approved accounts of both Houses.

SECTION 3. Expenses.—The expenses of the committee shall not exceed one thousand dollars for each of the two years.

SECTION 4. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 10th day of May, 1966.

(R805, S488)

No. 1144

An Act To Authorize The Secretary Of State To Restore The Charter Of Motel Corporation, Charleston, S. C.

Whereas, the General Assembly, pursuant to the requirements of the Constitution of South Carolina, 1895, Article 9, Section 2, approved the introduction of a bill authorizing the Secretary of State to restore the charter of Motel Corporation, Charleston, S. C. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Charter of Motel Corporation may be restored.—Authority is hereby granted to the Secretary of State to restore the charter of Motel Corporation, Charleston, S. C., upon the payment to the South Carolina Tax Commission of such taxes, penalties and interest as the commission shall find to be due. The Secretary of State shall notify the clerk of court of the county in which the original charter was granted of the reinstatement of the forfeited charter, and the clerk of court shall note the reinstatement upon the record of the original charter.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 25th day of February, 1966.

(R864, S582)

No. 1145

An Act To Authorize The Secretary Of State To Restore The Charter Of West Side Water Company, Inc.

Whereas, the General Assembly, pursuant to the requirements of the Constitution of South Carolina, 1895, Article 9, Section 2, approved the introduction of a bill authorizing the Secretary of State

to restore the charter of West Side Water Company, Inc. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Charter of West Side Water Company, Inc. may be restored.—Authority is hereby granted to the Secretary of State to restore the charter of West Side Water Company, Inc., upon payment to the South Carolina Tax Commission of such taxes, penalties and interest the Commission shall find to be due. The Secretary of State shall notify the clerk of court of the county in which the original charter was granted of the reinstatement of the forfeited charter, and the clerk of court shall note the reinstatement upon the record of the original charter.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 16th day of March, 1966.

(R899, H2128)

No. 1146

An Act To Authorize The Secretary Of State To Restore The Charter Of Hazard Addition Company.

Whereas, the General Assembly, pursuant to the requirements of the Constitution of South Carolina, 1895, Article 9, Section 2, approved the introduction of a bill authorizing the Secretary of State to restore the charter of Hazard Addition Company. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Charter of Hazard Addition Co. may be restored.—Authority is hereby granted to the Secretary of State to restore the charter of Hazard Addition Company, upon payment to the South Carolina Tax Commission of such taxes, penalties and interest the Commission shall find to be due. The Secretary of State shall notify the clerk of court of the county in which the original charter was granted of the reinstatement of the forfeited charter, and the clerk of court shall note the reinstatement upon the record of the original charter.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 24th day of March, 1966.

(R1018, H2161)

No. 1147

An Act To Authorize The Secretary Of State To Restore The Charter Of Black Chevrolet Olds, Inc.

Whereas, the General Assembly, pursuant to the requirements of the Constitution of South Carolina, 1895, Article IX, Section 2, approved the introduction of a bill authorizing the Secretary of State to restore the charter of Black Chevrolet Olds, Inc. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Charter of Black Chevrolet Olds, Inc. may be restored.—Authority is hereby granted to the Secretary of State to restore the charter of Black Chevrolet Olds, Inc., upon the payment to the South Carolina Tax Commission of such taxes, penalties and interest as the commission shall find to be due. The Secretary of State shall notify the clerk of court of the county in which the original charter was granted of the reinstatement of the forfeited charter, and the clerk of court shall note the reinstatement upon the record of the original charter.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 22nd day of April, 1966.

(R1037, H2219)

No. 1148

An Act To Authorize The Secretary Of State To Restore The Charter Of Lexington Development Corporation.

Whereas, the General Assembly by concurrent resolution, pursuant to the requirements of the Constitution of South Carolina, 1895, Article 9, Section 2, approved the introduction of a bill authorizing the Secretary of State to restore the charter of Lexington Development Corporation. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Charter of Lexington Development Corporation may be restored.—Authority is hereby granted to the Secretary of State to restore the charter of Lexington Development Corporation

upon the payment to the South Carolina Tax Commission of such taxes, penalties and interest as the commission shall find to be due. The Secretary of State shall notify the clerk of court of the county in which the original charter was granted of the reinstatement of the forfeited charter and the clerk of court shall note the reinstatement upon the record of the original charter.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 22nd day of April, 1966.

(R1063, H2437)

No. 1149

An Act To Authorize The Secretary Of State To Restore The Charter Of Latta Milling And Grain Co., Inc., Of Latta, South Carolina.

Whereas, the General Assembly, pursuant to the requirements of the Constitution of South Carolina, 1895, Article IX, Section 2, approved the introduction of a bill authorizing the Secretary of State to restore the charter of Latta Milling and Grain Co., Inc., of Latta, South Carolina. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Charter of Latta Milling and Grain Co., Inc. may be restored.—Authority is hereby granted to the Secretary of State to restore the charter of Latta Milling and Grain Co., Inc., of Latta, South Carolina, upon the payment to the South Carolina Tax Commission of such taxes, penalties and interest as the Commission shall find to be due. The Secretary of State shall notify the clerk of court of the county in which the original charter was granted of the reinstatement of the forfeited charter, and the clerk of court shall note the reinstatement upon the record of the original charter.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 22nd day of April, 1966.

(R1083, H2126)

No. 1150**An Act To Authorize The Secretary Of State To Restore The Charter Of The Property Management Company, Inc.**

Whereas, the General Assembly, pursuant to the requirements of the Constitution of South Carolina, 1895, Article IX, Section 2, approved the introduction of a bill authorizing the Secretary of State to restore the Charter of The Property Management Company, Inc. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Charter of The Property Management Company, Inc. may be restored.—Authority is hereby granted to the Secretary of State to restore the charter of The Property Management Company, Inc., upon the payment to the South Carolina Tax Commission of such taxes, penalties and interest as the Commission shall find to be due. The Secretary of State shall notify the clerk of court of the county in which the original charter was granted of the reinstatement of the forfeited charter, and the clerk of court shall note the reinstatement upon the record of the original charter.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 29th day of April, 1966.

(R1373, H2641)

No. 1151**An Act To Authorize The Secretary Of State To Restore The Charter Of Gainey Truck Lines, Inc.**

Whereas, the General Assembly, pursuant to the requirements of the Constitution of South Carolina, 1895, Article 9, Section 2, approved the introduction of a bill authorizing the Secretary of State to restore the charter of Gainey Truck Lines, Inc. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Charter of Gainey Truck Lines, Inc. may be restored.—Authority is hereby granted to the Secretary of State to restore the charter of Gainey Truck Lines, Inc., upon payment to the South Carolina Tax Commission of such taxes, penalties and in-

terest the Commission shall find to be due. The Secretary of State shall notify the clerk of court of the county in which the original charter was granted of the reinstatement of the forfeited charter, and the clerk of court shall note the reinstatement upon the record of the original charter.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 8th day of June, 1966.

(R1391, H2622)

No. 1152

An Act To Authorize The Secretary Of State To Restore The Charter Of Conway Super Market.

Whereas, the General Assembly, pursuant to the requirements of the Constitution of South Carolina, 1895, Article 9, Section 2, approved the introduction of a bill authorizing the Secretary of State to restore the charter of Conway Super Market. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Charter of Conway Super Market may be restored.—Authority is hereby granted to the Secretary of State to restore the charter of Conway Super Market upon payment to the South Carolina Tax Commission of such taxes, penalties and interest as the commission shall find to be due. The Secretary of State shall notify the clerk of court of the county in which the original charter was granted of the reinstatement of the forfeited charter, and the clerk of court shall note the reinstatement upon the record of the original charter.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 8th day of June, 1966.

(R878, H2121)

No. 1153

An Act To Authorize Clemson University To Relocate The Truck Experimental Station At Charleston.

Whereas, the Legislative Agricultural Study Committee finds that the Truck Experimental Station at Charleston is being surrounded by industry and urban development, and that provisions should be made immediately concerning the acquisition of additional land on which to relocate this Experimental Station; and

Whereas, experiments are being carried on continuously at this place and the new site should be purchased now, so that the gradual transition from one location to another could take place in an orderly manner and without impairment to the programs in progress; and

Whereas, the land where the present station is situated is valuable and by selling it at an opportune time the money derived from such sale would probably more than offset the cost of any new land that is necessary to be purchased. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Clemson University may relocate Truck Experimental Station at Charleston.—In order to relocate the Truck Experimental Station at Charleston, Clemson University may take such action as may be necessary to acquire land needed for this purpose, upon such terms and conditions as may be approved by the Budget and Control Board. The Truck Experimental Station shall be relocated in Charleston County and careful consideration for the present and future needs of the particular area shall be taken into consideration prior to any such relocation. The Budget and Control Board shall make available to Clemson University such monies as may be necessary to carry out the provisions of this act. Any monies derived from the sale of this experimental station shall be used to pay for the purchase of lands authorized by this act. Any monies remaining after such payment shall be deposited to the general fund of the State.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 17th day of March, 1966.

(R924, H2080)

No. 1154

An Act To Amend Act No. 456 Of The Acts And Joint Resolutions Of The General Assembly Of 1961, Authorizing The Board Of Trustees Of Clemson University (Formerly The Clemson Agricultural College Of South Carolina) To Acquire And Finance Additional Student And Faculty Housing Facilities, By Increasing Such Authorization.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. *Findings of General Assembly.*—

The General Assembly finds that the rapid increase in enrollment at Clemson University requires student housing facilities more extensive than those which might be effected with the authorizations granted by Act No. 456 of the Acts of 1961, which permitted the Trustees of Clemson University (formerly The Clemson Agricultural College of South Carolina) to issue (in addition to bonds now outstanding) five million dollars of bonds payable from the entire revenues derived by Clemson University from all student and faculty housing facilities which it may now or hereafter possess or utilize. On the basis of the foregoing, the General Assembly is minded to amend Act No. 456 of 1961 so as to increase the authorization to issue bonds to ten million dollars.

SECTION 2. *Section 4 of Act 456 of 1961 amended—Clemson University may borrow money for additional housing.*—

Section 4 of Act No. 456 of 1961 is hereby amended by striking out the section and inserting in lieu thereof the following, which shall become Section 4:

“Section 4. *Borrow—use of proceeds.*—To the end that the Trustees may acquire such additional student and faculty housing facilities, the Trustees shall be permitted to borrow, from time to time, not exceeding in the aggregate, ten million dollars, as well as such further sum as the Trustees may determine to borrow for the purpose of refunding all or any part of the outstanding revenue bonds of Clemson University. So much of the proceeds of the loans herein authorized as shall not be required to retire outstanding bonds shall be used in the construction, reconstruction, and equipping of dormitories and buildings designed for student and faculty housing, and auxiliary and related facilities, to be located on lands owned by

Clemson University. Such buildings, when constructed, shall be used for the purpose of providing housing, and auxiliary and related facilities, for students and faculty of Clemson University."

SECTION 3. Save and except as herein amended, Act No. 456 of 1961 shall remain of full force and effect.

SECTION 4. This act shall take effect upon approval by the Governor.

Approved the 29th day of March, 1966.

(R1174, H2537)

No. 1155

An Act To Amend Act No. 456 Of The Acts Of 1961, As Now Amended, Which Empowered The Trustees Of Clemson University To Issue Bonds Payable From The Revenues Of Its Student And Faculty Housing Facilities, By Further Defining Bonds Which May Be Refunded Pursuant To The Act, By Further Defining The Revenues Which May Be Pledged To Bonds Issued Pursuant To The Act, And By Further Defining The Covenants And Undertakings Which May Be Made To Secure The Payment Of Such Bonds.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Findings of General Assembly.—The General Assembly finds that by Act No. 456 of the Acts of 1961, as amended by an act of 1966 bearing Ratification No. 924 and approved March 29, 1966, Clemson University (Clemson) is empowered to acquire additional student and faculty housing facilities and to pay for the same through the issuance of bonds payable from "the entire revenues derived by Clemson from all student and faculty housing facilities which it may now or hereafter possess." Act 456 further empowers Clemson to refund "all or any part of the outstanding revenue bonds of Clemson." Pursuant to the act, Clemson issued two million fifty thousand dollars (\$2,050,000.00) of bonds payable from the revenues of its student and faculty housing facilities, so that, in addition to the bonds described in Section 1 of Act 456, Clemson has outstanding additional bonds payable from the facilities whose revenues are pledged to the payment of the bonds. It now appears necessary for Clemson to ac-

quire further facilities, and it also appears desirable that certain of the bonds which are now outstanding be refunded.

Act 456, as now written, pledges to the payment of bonds issued pursuant thereto "the entire revenues derived by Clemson . . . from all student and faculty housing facilities which it may now or hereafter possess and utilize." Certain facilities produce inconsequential revenues, and the Trustees of Clemson have indicated a desire to establish specific sources of revenue to be pledged for the payment of bonds issued pursuant to Act 456 of 1961, as amended.

In addition, it appears that bonds issued pursuant to Act 456, as amended, might be rendered more marketable if, on or shortly after the occasion of their issuance, a debt service reserve fund was established and if the Trustees were empowered to covenant and agree that all rental revenues derived from the facilities be deposited with a corporate trustee, who would be empowered to utilize the proceeds for the payment of the principal and interest of bonds issued pursuant to Act 456 and any present bonds of Clemson not refunded. By reason of the foregoing, it has become necessary to amend Act 456 as hereinafter provided.

SECTION 2. Section 4 of Act 456 of 1961 amended—refunding of bonds.—Section 4 of Act No. 456 of 1961, as amended, is hereby further amended by striking out the first sentence and inserting in lieu thereof the following:

"To the end that the Trustees may acquire such additional student and faculty housing facilities, the Trustees shall be permitted to borrow, from time to time, not exceeding in the aggregate, ten million dollars, as well as such further sums as the Trustees may determine to borrow from time to time for the purpose of refunding all or any part of any outstanding revenue bonds of Clemson University which shall be payable in whole or in part from the revenues also pledged to the payment of bonds issued pursuant to Act 456 of 1961, as amended, and which are outstanding on the occasion of any such refunding." Section 4, when so amended, shall read as follows:

"Section 4. Borrow—use of proceeds.—To the end that the Trustees may acquire such additional student and faculty housing facilities, the Trustees shall be permitted to borrow, from time to time, not exceeding in the aggregate, ten million dollars, as well as such further sums as the Trustees may determine to borrow from time to time for the purpose of refunding all or any part of any

outstanding revenue bonds of Clemson University which shall be payable in whole or in part from the revenues also pledged to the payment of bonds issued pursuant to Act 456 of 1961, as amended, and which are outstanding on the occasion of any such refunding. So much of the proceeds of the loans herein authorized as shall not be required to retire outstanding bonds shall be used in the construction, reconstruction, and equipping of dormitories and buildings designed for student and faculty housing, and auxiliary and related facilities, to be located on lands owned by Clemson University. Such buildings, when constructed, shall be used for the purpose of providing housing, and auxiliary and related facilities, for students and faculty of Clemson University."

SECTION 3. Section 5 of Act 456 of 1961 amended—revenues to be used for payment of bonds.—Section 5 of Act No. 456 of 1961 is hereby amended by striking out the first sentence and the first proviso following the first sentence and inserting in lieu thereof the following:

"All bonds issued pursuant to this act shall be payable from the entire rental revenues derived by Clemson University from the following sources: all dormitories now existing on the campus at Clemson; the one hundred faculty apartments and fifty married student apartments constructed with the proceeds of bonds issued pursuant to Act No. 1058 of 1950; the one hundred married student housing apartments constructed with the proceeds of bonds issued pursuant to Act No. 470 of 1957; and all additional student and faculty housing facilities constructed with the proceeds of all revenue bonds issued pursuant to Act No. 456 of 1961 as originally written or as now amended. *Provided*, that such pledge shall be subordinate, to the extent necessary, to any prior pledge which secures in any way the principal and interest of the bonds of Clemson University described in paragraph 1 of Section 1 of this act, unless such bonds shall be refunded."

Section 5, when so amended, shall read as follows:

"Section 5. Payment.—All bonds issued pursuant to this act shall be payable from the entire rental revenues derived by Clemson University from the following sources: all dormitories now existing on the campus at Clemson; the one hundred faculty apartments and fifty married student apartments constructed with the proceeds of bonds issued pursuant to Act No. 1058 of 1950;

the one hundred married student housing apartments constructed with the proceeds of bonds issued pursuant to Act No. 470 of 1957; and all additional student and faculty housing facilities constructed with the proceeds of all revenue bonds issued pursuant to Act No. 456 of 1961 as originally written or as now amended. *Provided*, that such pledge shall be subordinate, to the extent necessary, to any prior pledge which secures in any way the principal and interest of the bonds of Clemson University described in paragraph 1 of Section 1 of this act unless such bonds shall be refunded, and *provided*, further, that prior to the issuance of bonds secured by a pledge on a parity with that securing the bonds described in paragraphs 2, 3, 4 and 5 of Section 1 of this act, the consent of the holders of such bonds shall be obtained. Both the Trustees and the State Budget and Control Board are empowered to agree that bonds issued pursuant to this act shall be secured by pledges on a parity with the pledges securing the bonds described in paragraphs 2, 3, 4 and 5 of Section 1 of this act."

SECTION 4. Section 13 of Act 456 of 1961 amended—debt service reserve fund—corporate trustee.—Section 13 of Act No. 456 of 1961 is hereby amended by adding to the end thereof the following paragraphs:

"17. To establish on or before the occasion of the delivery of any bonds issued pursuant to this act a debt service reserve fund and to cause the same to be deposited with a corporate trustee and, to that end, the trustees shall be empowered to utilize any moneys available for such purpose, including revenues previously accumulated from the facilities prior to the issuance of bonds.

18. To appoint a corporate trustee to whom shall be paid all or any portion of the revenues pledged to the payment of the bonds or derived from the operation of the facilities, and to prescribe the manner in which said revenues shall be utilized and disposed of."

SECTION 5. Act 456 of 1961 in full force and effect.—Save and except as herein amended, the provisions of Act No. 456 of 1961, as now amended, shall remain of full force and effect.

SECTION 6. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 10th day of May, 1966.

(R876, H2120)

No. 1156

An Act To Amend Act No. 904 Of 1960, As Amended, Granting To The Board Of Trustees Of The University Of South Carolina The Right To Acquire And Finance Additional Student And Faculty Housing Facilities By Increasing Such Authorization.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 1 of Act 904 of 1960 further amended—**increase authorization of University of S. C. to acquire additional housing.**—Section 1 of Act No. 904 of 1960, as amended, is further amended by striking “ten” on lines three and six and inserting in lieu thereof “fifteen”. The section when amended shall read as follows:

“Section 1. The Board of Trustees of the University of South Carolina shall be empowered to acquire further student and faculty housing facilities to the extent of fifteen million dollars pursuant to the authorizations of this act. To that end, the Board of Trustees shall be permitted to borrow, from time to time, not exceeding in the aggregate, fifteen million dollars, and such further sum as the Board of Trustees may determine to borrow for the purpose of refunding all or any part of the outstanding revenue bonds of the University of South Carolina, payable from the entire revenues derived from all student and faculty housing facilities which it does now, or shall hereafter possess. So much of the proceeds of the loans herein authorized as shall not be required to retire outstanding bonds shall be used in the construction, reconstruction and equipping of dormitories or apartment buildings to be located on lands now or hereafter acquired by the University of South Carolina, and, to the extent necessary, to the defraying of the cost of the acquisition of land as a site for this use. Such dormitories or apartment buildings shall be used for the purpose of providing housing for students and faculty of the University of South Carolina.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 17th day of March, 1966.

(R877, H2157)

No. 1157

An Act To Reaffirm The Right Of The University Of South Carolina To Construct The Facilities Authorized By Act 1009 Of 1962 And Act 491 Of 1965; To Authorize The Issuance Of Not Exceeding Four Million Five Hundred Thousand Dollars Of Bonds Of The University For The Purpose Of Raising Moneys Therefor And To Refund Certain Bonds Heretofore Issued Pursuant To Act 1009 Of 1962; To Prescribe The Conditions Under Which The Bonds May Be Issued And To Make Provision For Their Payment; And To Rescind The Authorizations Of The University To Issue Further Bonds Pursuant To Act 1009 Of 1962 And Bonds Pursuant To Part II Of Act 491 Of 1965.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Findings of General Assembly.—As an incident to the enactment of this act, the General Assembly has made the following findings of fact:

(1) By Act No. 1009 of the Acts of the General Assembly of 1962, the General Assembly authorized the Trustees of the University of South Carolina, hereinafter referred to as "the Trustees," to construct and equip additions to the existing Student Union Building and a new Infirmary on the Columbia campus of the University of South Carolina, hereinafter referred to as "the University," at an aggregate cost not exceeding one million seven hundred fifty thousand dollars and did authorize the Trustees to borrow the moneys required for the programs so approved through the issuance of one million seven hundred fifty thousand dollars of bonds of the University, payable from the special fee authorized by Section 4 of Act 1009 of 1962.

(2) The Trustees have availed themselves of the authorizations of Act 1009 of 1962 to the extent of six hundred twenty thousand dollars which is evidenced by an issue of bonds dated December 1, 1965, and bearing interest at the rate of four and one-half per cent per annum and sold to the State Budget and Control Board as Trustee of the State Retirement Fund.

(3) By Act No. 491 of the Acts of the General Assembly of 1965, the General Assembly made provision for the construction of auditoriums and related facilities at both the University and at Clemson University.

(4) By Part II of Act 491 of 1965, the Trustees of the University were authorized to issue not exceeding two million dollars of bonds for the purpose of providing a portion of the cost of constructing the facilities authorized by the act, which bonds should be payable from the special student fee authorized by Section 10 of Part II of Act 491.

(5) The aggregate of the authorizations pursuant to the two acts is three million seven hundred fifty thousand dollars, of which only six hundred twenty thousand dollars has been utilized.

(6) The General Assembly has now reconsidered the need of the University for funds for the several projects authorized by the two acts and has concluded that an additional seven hundred fifty thousand dollars, or more, will be needed. It has also noted that the issue of bonds issued pursuant to Act 1009 (Bonds of 1965) is subject to redemption on all interest payment dates and that it might be desirable that such issue be refunded as a part of an issue of bonds which would supply the remaining sums authorized by Acts 1009 and 491, plus the additional sums authorized by this act.

(7) On the basis of the foregoing, the General Assembly has determined:

(a) to authorize the Trustees to issue bonds of the University payable from the special fee prescribed by this act to the extent of four million five hundred thousand dollars, which sum would be used to the extent needed:

(i) to retire the Bonds of 1965; and

(ii) to provide funds for the projects authorized by Act 1009 and Act 491.

SECTION 2. Definitions.—For the purposes of this act:

(1) "Special student fee" shall mean the fee authorized to be imposed by the University to provide funds for the repayment of the bonds authorized to be issued on behalf of the University.

(2) "State Board" shall mean the State Budget and Control Board as constituted by Chapter 6, Title 1, Code of Laws of South Carolina, 1962.

(3) "Student" shall mean any person in attendance at any regular session of the University, enrolled in a sufficient number of classes or courses on the Columbia campus for which credit is given toward any degree offered by the University, to be considered a full-time student.

(4) "Trustees" shall mean the Board of Trustees of the University.

(5) "University" shall mean the University of South Carolina, located in Columbia, South Carolina.

SECTION 3. Right of Trustees reaffirmed.—The right of the Trustees to construct, equip and operate the facilities described in paragraph (2) of Section 2 of Part I of Act 491 and the facilities described in Section 2 of Act 1009 is hereby reaffirmed.

SECTION 4. Bonds may be issued.—In order to raise the moneys required for refunding the Bonds of 1965 and to pay for the construction of the facilities referred to in Section 3 above, the Trustees of the University are authorized to issue not exceeding four million five hundred thousand dollars of bonds of the University, payable from a special student fee in such amount as may be determined by the Trustees (and revised when necessary) to be necessary to provide the funds needed to effect the payment of the principal of and interest on the bonds authorized by this act and to provide a cushion or reserve therefor.

SECTION 5. Credit of State not to be pledged.—The faith and credit of the State of South Carolina shall not be pledged for the payment of the principal and interest of the bonds of the University, and there shall be on the face of each bond a statement plainly worded to that effect. Neither the members of the Trustees of the University nor any other person signing the bonds shall be personally liable thereon.

SECTION 6. Board to adopt resolutions concerning issuance of bonds.—In order to utilize the authorizations of this act, the Trustees of the University, on behalf of the University shall adopt resolutions providing for the issuance of the bonds authorized by this act, within the limitations herein mentioned, and by resolution shall prescribe the tenor, terms and conditions of the bonds. The bonds of the University may be issued either as a single issue or from time to time as several separate issues. In the event that the bonds of the University shall be issued as two or more issues, then notwithstanding, all bonds of the University shall be on a parity in all respects inter sese and shall be equally and ratably entitled to payment from the source provided to meet the payment of bonds issued on behalf of the University pursuant to this act.

SECTION 7. Maturity—interest—redemption.—The bonds of the University shall be issued as serial bonds, maturing in equal or unequal amounts, at such times and on such occasions and shall be in such denomination as the Trustees of the University shall determine; *provided*, always, that the last maturing bonds of any issue shall be expressed to mature not later than thirty years from their date, and the first maturing bonds of any issue, issued pursuant to this act, shall fall due not later than three years from their date. They shall bear such rate or rates of interest, payable on such occasions as the Trustees of the University shall prescribe, and shall be payable in such medium of payment, and at such place as such resolutions shall prescribe. All bonds maturing subsequent to fifteen years from their date shall be subject to redemption not later than fifteen years from their date, and on all subsequent interest payment dates prior to their respective maturities. All bonds may be issued with a provision permitting their redemption on any interest payment date prior to their respective maturities. Bonds made subject to redemption prior to their stated maturities may contain a provision requiring the payment of a premium for the privilege of exercising the right of redemption, in such amount as the Trustees of the University shall prescribe in the resolutions authorizing their issuance. All bonds that are subject to redemption shall contain a statement to that effect on the face of each bond. The resolutions authorizing their issuance shall contain provisions, specifying the manner of call and the notice of call that must be given.

SECTION 8. Form.—The bonds may be in the form of negotiable coupon bonds, payable to bearer, with the privilege to the holder of having them registered as to principal on the books of the treasurer of the University, or registered as to principal on registry books kept for the University by a corporate trustee, and the principal thus made payable to the registered holder, unless the last registered transfer shall have been to bearer, upon such conditions as the Trustees of the University shall prescribe, or the bonds may be issued as fully registered bonds. If issued as fully registered bonds, it may be provided that they may thereafter be converted into negotiable coupon bonds of the tenor first above described.

SECTION 9. Exempt from taxes.—The bonds authorized by this act and all interest to become due thereon shall have the tax-exempt status prescribed by Section 65-4.1, Code of Laws of South Carolina, 1962.

SECTION 10. Certain persons may invest in bonds.—It shall be lawful for all executors, administrators, guardians and fiduciaries and all sinking fund commissions to invest any moneys in their hands in such bonds.

SECTION 11. Execution.—The bonds and the coupons, if any, attached to the bonds, shall be executed in the name of the University in such manner and by such persons as the Trustees of the University shall from time to time determine, and the seal of the University shall be reproduced, affixed to or impressed on each bond. Any coupons attached to the bonds shall be authenticated by the facsimile signatures of one or more of the persons signing the bonds. The delivery of the bonds so executed shall be valid notwithstanding changes in officers or seal occurring after such execution.

SECTION 12. Sale.—All bonds issued pursuant to this act shall be disposed of in such manner as the Trustees of the University shall determine, except that no sale, privately negotiated without public advertisement, shall be made unless the approval of the State Board shall be obtained. If the Trustees of the University shall elect to sell the bonds at public sale, at least one advertisement thereof shall appear in some newspaper of general circulation in South Carolina not less than ten days prior to the occasion fixed for the opening of bids. The proceeds of all bonds issued pursuant to this act shall be delivered to the State Treasurer and retained by him in a special fund or funds and applied solely to the purpose for which such bonds shall have been issued. Withdrawals from the fund shall be made on the order or requisition of the Trustees of the University for which such bonds have been issued and shall be in such form as the State Treasurer shall prescribe. It shall at all times be lawful for the State Treasurer to make temporary investments of funds derived from the proceeds of bonds issued pursuant to this act, in obligations of the United States or any agency thereof, and all interest earned on any such investments shall be paid over by the State Treasurer, at the direction of the Trustees of the University toward the payment of interest to become due on bonds of the University.

SECTION 13. Powers.—To the end that the payment of the principal of and interest on the bonds of the University shall be adequately secured, the Trustees of the University shall be empowered:

(1) To place into effect, beginning with the Fall Semester in the year 1965 or such subsequent time as the Trustees of the University

shall prescribe, and maintain and revise when necessary a special student fee upon all students, and, in the discretion of the Trustees of the University, upon others who may from time to time be in attendance at the University, in such amount as shall be determined to be necessary to provide for the punctual payment of the principal and interest on the bonds issued by the University and to provide for an adequate cushion or reserve therefor. The special student fee shall bear such nomenclature as the Trustees of the University shall prescribe and it may, in the discretion of such Trustees, be included as a part of any other fee, but under such circumstances it shall be the duty of the Trustees to account for it to the treasurer of the University or to the corporate trustee, if one shall be appointed pursuant to Section 14 of this act.

(2) To covenant and agree that throughout the life of the bonds issued by the University, the special student fee shall be imposed, maintained and revised when necessary, in such amount, without limitation as to rate, as shall be sufficient to meet the payment of the principal and interest on the bonds as they become due, and to create such cushion or reserve fund therefor as may be deemed desirable by the Trustees of the University. The cushion or reserve shall be used only to meet the payment of the principal and interest on the bonds under such conditions as the Trustees of the University shall prescribe, and shall be set up in such manner as to insure its availability therefor.

(3) To establish a rule requiring the payment of the fee above referred to.

(4) To covenant as to the use of the proceeds of the sale of the bonds authorized pursuant to this act.

(5) To provide for the terms, form, registration, exchange, execution and authentication of bonds, and for the replacement of lost, destroyed or mutilated bonds.

(6) To covenant that all revenues pledged for the payment of the bonds shall be duly segregated into a special fund or funds, and that the revenues shall be used solely for the purpose for which they are intended and for no other purpose.

(7) To covenant for the mandatory redemption of bonds on such terms and conditions as the resolutions authorizing the bonds shall prescribe.

(8) To prescribe the procedure, if any, by which the terms of the contract with the bondholders may be amended, the number of

bonds whose holders must consent thereto, and the manner in which the consent shall be given.

(9) To prescribe the events of default and the terms and conditions upon which all or any bonds shall become or may be declared due before maturity, and the terms and conditions upon which such declaration and its consequences may be waived.

SECTION 14. Custody of funds.—The treasurer of the University is authorized to accept custody of funds derived from the imposition of the special student fee imposed at the University and intended for the payment of the principal and interest on the bonds issued by the University, and to utilize the funds for the payment of the principal and interest on the bonds issued by the University and for the special cushion or reserve fund whose creation is herein authorized, or the Trustees of the University shall be empowered to select a corporate trustee whose duty it shall be to receive from the treasurer and other officials of the University the special student fee imposed at the University and to utilize the fee for the payment of the principal and interest on the bonds and for the special cushion or reserve fund whose creation is herein authorized.

SECTION 15. Power of trustees—fees.—It is not intended by this act to in any way limit or restrict powers heretofore granted to the Trustees of the University, and all authorizations heretofore granted to the Trustees of the University shall remain of full force and effect, nor shall the imposition of the special student fee prescribed by this act preclude the imposition of other fees upon students for other purposes.

SECTION 16. Use of funds.—It is not intended to limit the University in the construction of the facilities authorized by this act to the sums herein provided for such purposes, and if the University shall obtain funds from other sources for such purposes then, in such event, it shall be empowered to apply them to the facilities as now contemplated or to enlargements, improvements and extensions thereof.

SECTION 17. Rescind authority to issue bonds.—In view of the authorizations granted by this act, the power of the Trustees to issue further bonds pursuant to Act 1009 of 1962, and the power of the Trustees to issue bonds pursuant to Part II of Act 491 of 1965, is hereby rescinded, but except as herein provided, the provisions of Act 1009 of 1962 and Act 491 of 1965 shall remain of full force and effect.

SECTION 18. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 17th day of March, 1966.

(R777, H1971)

No. 1158

An Act To Amend Act No. 488 Of 1965, Authorizing The Board Of Trustees Of Winthrop College To Acquire And Finance Additional Student And Faculty Housing Facilities By Increasing Such Authorization.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Findings of General Assembly.—The General Assembly finds that the rapid increase in enrollment at Winthrop College requires student housing facilities more extensive than those which might be effected with the authorization granted by Act No. 488 of 1965, which permitted the Trustees of Winthrop College to issue (in addition to bonds now outstanding) one million three hundred sixty thousand dollars of bonds payable from the entire revenues derived by Winthrop College from all student housing facilities which it may now or hereafter possess or utilize. On the basis of the foregoing, the General Assembly has determined to amend Act No. 488 of 1965 so as to increase the authorization to issue bonds to Three Million Five Hundred Thousand Dollars.

SECTION 2. Section 4 of Act 488 of 1965 amended—loan authorized.—Section 4 of Act No. 488 of 1965 is amended by striking “one million three hundred sixty thousand dollars” on line five and inserting in lieu thereof “three million five hundred thousand dollars”. The section when amended shall read as follows:

“Section 4. To the end that the trustees may acquire such additional student housing facilities, the trustees shall be permitted to borrow, in addition to the loans evidenced by the bonds described in Section 1, from time to time, not exceeding in the aggregate, three million five hundred thousand dollars, as well as such further sum as the trustees may determine to borrow for the purpose of refunding all or any part of the outstanding revenue bonds of Winthrop College. So much of the proceeds of the loans herein authorized as shall not be required to retire outstanding bonds shall be used in

the construction, reconstruction, and equipping of dormitories and buildings designed for student housing, and auxiliary, and related facilities (including cafeteria facilities), to be located on lands owned by Winthrop College. Such buildings, when constructed, shall be used for the purpose of providing housing, and auxiliary and related facilities, for students of Winthrop College."

SECTION 3. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 16th day of February, 1966.

(R809, H1968)

No. 1159

An Act To Amend Act No. 486 Of 1965, Which Authorized The Issuance Of Two Million Five Hundred Thousand Dollars Of General Obligation Bonds Of The State Ports Authority For Additional Facilities For Storing And Exporting Soybeans And Other Small Grains, And Which Prescribes The Use Of Certain Revenues Of The State Ports Authority, By Incorporating Into The Act The Legislative Authorization Set Forth In A Portion Of Section 8 Of Act No. 350 Of 1965, Relating To The Issuance Of Revenue Bonds By The State Ports Authority.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Findings of General Assembly.—The General Assembly finds that it did at its regular 1965 session authorize two specific programs relating to the State Ports Authority. The first of these was set forth in Section 8 of Act No. 350 of 1965 (the Supplemental Appropriation Act for the Fiscal Year 1964-1965), and the second of which was set forth in Act No. 486 of the Acts of 1965. By the first enactment the General Assembly wished to reinstate and reaffirm the authority of the State Ports Authority to issue revenue bonds pursuant to Article 5, Chapter 54, Code of Laws of South Carolina, 1962, subject to the approval of the State Budget and Control Board. By the second enactment the General Assembly wished to provide for the enlargement and improvement of the grain elevator of the State Ports Authority. While both purposes related to the State Ports Authority, each enactment sought to accomplish different and specific programs. As a means of implementing its intentions, the

General Assembly in each instance amended Section 6 of Act No. 861 of 1956, as previously amended by Act No. 207 of 1961 (the statute authorizing the issuance of State Ports General Obligation Bonds). The first enactment became effective upon its approval by the Governor on May 28, 1965, and the second enactment became effective upon its approval by the Governor on June 1, 1965. The last-mentioned enactment took no specific note of the first enactment, and the question has thus arisen as to whether the second enactment has inadvertently had the effect of repealing the authorization set forth in the first enactment. Inasmuch as such was not the legislative intent, the General Assembly is now minded to again rewrite Section 6 of Act No. 821 of 1956, as heretofore amended by Act No. 207 of 1961, in order to give full force and effect to the two authorizations intended by the two 1965 enactments above recited. To accomplish this, it is proposed to repeal that portion of Section 8 of Act No. 350 of 1965 which relates to the authorizations to the State Ports Authority to issue revenue bonds, which is found on pages 637 and 638 of the Acts of 1965, and to amend Section 4 of Act 486 of 1965 by striking the section and inserting in lieu thereof a new Section 4 to Act No. 486, which will contain both authorizations covered by the two enactments of 1965 above referred to.

SECTION 2. Section 4 of Act 486 of 1965 amended—payment.—

Section 4 of Act No. 486 of the Acts of 1965 is hereby stricken and the following inserted in lieu thereof, which shall become Section 4 of Act No. 486:

“Section 4. Section 6 of Act 821 of 1956, as amended by Act 207 of 1961, is further amended by striking out the section and inserting in lieu thereof the following, which shall become Section 6 of Act 821 of 1956:

‘Section 6. For the payment of the principal and interest on all State Ports bonds at any time issued and outstanding pursuant to this act as now constituted or as hereafter amended, there shall be pledged the full faith, credit and taxing power of the State of South Carolina, and in addition thereto, but subject to the provisions of this section, the entire amount of revenue derived from the tax levied on income, pursuant to Chapter 5 of Title 65, Code of Laws of South Carolina, 1962, as amended. The revenues derived from such tax during each fiscal year shall be discharged from such pledge when provision has been made for the payment in full of the principal and interest of all State

Ports bonds matured or maturing in such fiscal year. In addition to the revenues derived from such income tax, there shall be applied to the payment of such State Ports bonds annually such amounts from the net revenues derived by the Authority from its operations, not pledged to the payment of revenue bonds of the Authority now or hereafter outstanding, which have been issued by the State Ports Authority pursuant to Article 5, Chapter 1, Title 54, Code of Laws of South Carolina, 1962, as shall from time to time be determined and directed by the State Budget and Control Board (except that all revenues derived from the per bushel charge authorized by Item (4) of Section 3 of Act No. 821 of 1956, as amended, shall be pledged and set apart as hereinafter prescribed only to the payment of bonds to be issued for the expansion of facilities at the Port of Charleston for storing and exporting soy beans and other small grains); and if the State Budget and Control Board shall, by resolution duly adopted, approve the issuance of bonds by the State Ports Authority pursuant to the provisions of Article 5, Chapter 1, Title 54, Code of Laws of South Carolina, 1962, payable from any specified revenues, such pledge shall preclude the use of such revenues for the payment of principal and interest of State Ports bonds issued pursuant to Act 821 of 1956 as now or hereafter amended.

The pledge of the revenues derived from such income tax shall preclude the repeal of such tax until such pledge has been fully discharged but it shall not preclude the revision of such tax as to rate, if the State Auditor shall certify that his estimate of the revenue to be derived annually from the tax as thus revised will not be less than one hundred and fifty per cent of that sum which is equal to the maximum annual principal and interest requirements on all State Ports bonds outstanding, or then requested to be issued on the date such certificate bears. Such certificate shall be appended to the enrolled act and be presented to the Joint Assembly of the General Assembly on the occasion such act is presented for ratification.

In the instance of any State Ports bonds authorized to expand existing grain or soy bean facilities, all revenues derived from the per bushel charge imposed upon all who may utilize the facilities, pursuant to item (4) of Section 3 of Act 821 of 1956, as amended, shall be set apart by the State Treasurer in a separate fund and applied to the payment of the principal and interest of additional State Ports Authority bonds issued for the purpose of expanding the facilities.' ”

SECTION 3. Section 6 of Section 8 of Part II of Act 350 of 1965 repealed—payment.—In view of the fact that Section 6 of Act 821 of 1956 (as previously amended by Act 207 of 1961), as amended by this act, sets forth the legislative authorizations contained in the first two paragraphs of Section 8 of Act No. 350 of the Acts of 1965 (being those paragraphs appearing on pages 637 and 638 of the Acts of 1965), such paragraphs are hereby repealed.

SECTION 4. Affect on Act 486 of 1965.—Save and except as herein amended, Act No. 486 of 1965 shall remain of full force and effect.

SECTION 5. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 25th day of February, 1966.

(R840, S534)

No. 1160

An Act Authorizing The Budget And Control Board To Issue A Permit To The United States Army Engineers For A Spoil Area On Village Creek In Beaufort County.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Spoil area may be used by Army Engineers in Beaufort County.—The Budget and Control Board is hereby authorized to issue a permit to the United States Army Engineers for use of Spoil Area A on Village Creek in Beaufort County, as shown on the project map dated December 1, 1965, prepared by the United States Army Engineer District, Charleston, South Carolina, as a spoil area.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 10th day of March, 1966.

(R1170, H2361)

No. 1161

An Act To Authorize The State Budget And Control Board To Exchange Certain Properties Near The Richland-Lexington Airport, Under Certain Conditions, With Any Person Or Political Subdivision.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. State Budget and Control Board may exchange property.—The State Budget and Control Board is authorized to exchange certain state-owned properties near the Richland-Lexington Airport with any person or political subdivision for property of comparable value for purposes of improving the boundary alignment of the State-owned property.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 11th day of May, 1966.

(R1031, H2313)

No. 1162

An Act To Authorize The Board Of Commissioners Of The South Carolina School For The Deaf And The Blind To Convey To The Commissioners Of Public Works Of The City Of Spartanburg, South Carolina, A Certain Eight-Inch Water Transmission Line.

Whereas, the South Carolina School for the Deaf and the Blind is the owner of a certain eight-inch water transmission line which runs along South Carolina Highway No. 56 from the intersection of South Carolina Highway No. 56 and South Carolina Highway No. 34 to the main entrance of the South Carolina School for the Deaf and the Blind, which water transmission line runs for a distance of approximately 5,800 feet and is located in the right of way of South Carolina Highway No. 56; and

Whereas, said water transmission line is connected at the intersection of South Carolina Highways Nos. 34 and 56 to one of the water transmission lines of the Spartanburg Waterworks from whom the South Carolina School for the Deaf and the Blind receives its supply of water through the eight-inch transmission line owned by the school; and

Whereas, the Board of Commissioners of the South Carolina School for the Deaf and the Blind have agreed to convey the eight-inch water transmission line owned by the school to the Commissioners of Public Works of the City of Spartanburg, South Carolina, in consideration of the Commissioners of Public Works of the City of

Spartanburg, South Carolina, constructing a new twelve-inch water transmission line along South Carolina Highway No. 295 from South Carolina Highway No. 34 to South Carolina Highway No. 56 and connecting said twelve-inch water transmission line to the eight-inch water transmission line presently owned by the school; and

Whereas, the installation and connection of a twelve-inch water transmission line to the line presently owned by the school would provide improved service and be of great advantage to the school. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. School for Deaf and Blind may convey water line to City of Spartanburg.—The Board of Commissioners of South Carolina School for the Deaf and the Blind is hereby authorized and empowered to convey to the Commissioners of Public Works of the City of Spartanburg, South Carolina a certain eight-inch water transmission line which runs along and lies within the right of way of South Carolina Highway No. 56 and which runs for a distance of approximately 5,800 feet from the intersection of South Carolina Highway No. 56 and South Carolina Highway No. 34 to the main entrance of the South Carolina School for the Deaf and the Blind which is located near the City of Spartanburg, County of Spartanburg, State of South Carolina.

SECTION 2. Terms and conditions.—The Board of Commissioners of the South Carolina School for the Deaf and the Blind is hereby authorized and empowered to convey such eight-inch water transmission line as above authorized upon whatever terms and conditions may be agreeable and acceptable to said commissioners.

SECTION 3. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 22nd day of April, 1966.

An Act To Authorize The Department Of Corrections To Contract For The Completion Of Construction Plans To Erect A Psychiatric Building Of Five Stories And To Proceed With Construction When Funds Are Made Available By The General Assembly.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Department of Corrections may contract for plans for psychiatric building.—The Department of Corrections is authorized to contract for completion of plans for construction of a five-story psychiatric building to be located in Richland County, so far as funds already available will permit, even though funds for construction of only two stories of such building have been appropriated by the General Assembly.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 4th day of May, 1966.

(R794, H1969)

No. 1164

An Act To Authorize The South Carolina School for Girls To Expend Certain Monies.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. S. C. School for Girls may expend certain monies.—The South Carolina School for Girls is hereby authorized to expend twenty-three thousand nine hundred dollars of the proceeds from the sale of timber for the construction of a superintendent's residence on property of the school.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 18th day of February, 1966.

(R1097, S533)

No. 1165

An Act To Provide The South Carolina Dairy Commission With Temporary Emergency Powers Relating To Milk And Milk Products.

Whereas, the public health and welfare has been and is being seriously endangered by the chaotic and unstable conditions exist-

ing in the milk industry caused by the price-war and loss-leader practices of retail outlets; and

Whereas, these price-war and loss-leader tactics and practices have detrimentally affected and demoralized the milk industry in this State since 1960 and particularly since April of 1963, causing artificially depressed prices of milk and other dairy products; and

Whereas, these disruptive and destructive trade practices tend to lessen, restrain and destroy competition in the milk industry in this State, thereby depriving the inhabitants of this State of a constant supply of pure wholesome milk, which constitutes a hazard to the health and welfare of the citizens of this State; and

Whereas, two hundred sixty eight dairy farmers have gone out of business in this State since the price-war began in April, 1963; and

Whereas, prior to 1963 the overall production of milk in this State had been increasing at the rate of eight per cent annually, but since the price war began in April, 1963, the rate increase has diminished to two per cent increase in 1963, four-tenths per cent increase in 1964 and approximately two per cent increase in 1965; and

Whereas, we find that milk is now affected with the public interest and that some form of economic control of milk and milk products at the producer, distributor, and retail levels is absolutely essential to protect the public health and welfare, that milk produced in neighboring and surrounding states is regulated and controlled, that ninety per cent of all milk sold in the free world is sold under some economic control or regulation; and

Whereas, we find that milk is produced, processed, and distributed under exacting health standards, strictly and rigidly enforced by State and local health authorities and that meeting these health standards determines to a great extent the costs of producing, processing and distributing milk; and

Whereas, such health standards are imposed in the public interest and for the protection of the public health and welfare of the citizens of this State, and in order to provide the inhabitants of this State with a pure, continuous, adequate, wholesome supply of milk, especially for children and also for adults; and

Whereas, milk is highly perishable, easily contaminated, requires constant supervision and care at all stages from its creation to its consumption, that it is an excellent culture media for bacteria, that

milk is an essential food and that there is no reasonable substitute for it; that milk requires more inspection and regulation than any other food in this State, that milk is a dangerous product if not rigidly inspected and controlled by public health agencies, from the cow to the consumer, that milk is different from other perishable foods in that it must be harvested daily, it cannot be stored (except briefly) because of its bulk and nature, the supply cannot be quickly altered up or down; and

Whereas, because of the peculiar way that milk is marketed in that the farmer is paid on the usage of his milk in the market place, the farmer never knows what use or classification his milk will be put to until the housewife picks it up on the display counter and pays for it at the checkout counter and finally on the tenth of the following month, the farmer is paid for his milk based on the amount that actually was sold in each classification, that of necessity, because of the very nature of the product and the peculiar method of marketing the product, there must be stability in the industry to enable farmers, as well as others engaged in the milk industry, to comply with exacting minimum sanitary and quality standards established by the State in the public interest and for the protection of the public health and welfare of the citizens of this State; and

Whereas, the farmer is at the complete mercy of the retail outlet because the retailer can set in motion forces (loss leader prices of competing brands) which will completely eliminate the sale of his (producer's) milk, the retailer having absolutely no exposure to loss under these conditions and the producer having no control over such tactics by the retailer, the result being that some third party (the retailer) has absolute control over the disposition of the producer's milk, that the retailer runs no risk of loss because the retailer takes the milk on a consignment basis, the producer has no recourse and is forced to accept the loss, that the retailer merchandises milk, which, in effect, does not belong to him, in a manner to his own choosing, totally without the threat of possibility of losing a cent as a result of his loss leader tactics, that no other item of the approximately 6,000 items handled by the retailer is handled in this manner.

Whereas, we find that the dairy industry in this State is now in a chaotic, hazardous, and extremely unstable condition, that the public health and welfare of the citizens of this State is in imminent danger. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Citation of Act.—This act may be referred to as the “Emergency Milk Control Law of 1966.”

SECTION 2. South Carolina Dairy Commission may fix prices of milk and milk products.—Because there exists in the milk industry conditions which detrimentally affect and seriously endanger the public health and welfare and which have created or have threatened to create competitive trade practices which demoralize the price structure of milk and which demoralize agricultural interests of the State engaged in the production of milk and which have interfered with and threatens to continue interfering with the maintenance of an ample supply of fresh, wholesome, fluid milk, which is affected with the public interest, the South Carolina Dairy Commission is hereby authorized for a period designated by the Commission not to exceed three hundred eighty days in duration, if for any reason controls are not in effect:

(a) To establish and adjust, from time to time, without the necessity of hearings but upon public notice, the prices below which all persons may not purchase or sell milk and milk products, *provided*, however, except as otherwise provided herein:

(1) The resale prices so established are within the range of the prices actually in existence during the thirty days preceding the action of the Commission under the provisions of this act; and

(2) The resale prices so established within such range and producer prices established under this act at a level which the Commission, in its opinion, determines will maintain fair price competition, help insure an ample supply of fresh, wholesome, fluid milk and promote orderly marketing conditions.

SECTION 3. Commission to conduct studies.—Whenever the Commission shall proceed pursuant to the provisions of Section 2 of this act, it shall, within the time designated, undertake such studies, examinations and investigations as necessary to determine what action should be taken by the South Carolina Dairy Commission under any of its existing powers and authority to eliminate, alleviate or otherwise prevent the continuance of the conditions which required resort to the provisions of this act.

SECTION 4. Bond of plaintiff.—Upon application and issuance of an injunction enjoining the enforcement of the provisions of this act, the court or judge shall require of the plaintiff a bond of a surety company duly authorized to do business in this State. The bond shall

specify an appropriate amount, shall be in form satisfactory to the court and shall run to the State of South Carolina.

The condition of the bond shall be that the plaintiff will pay any and all moneys that may become due or owing any milk producer or producers suffering damages or injury by reason of the injunction. The damages may be ascertained by a reference or otherwise, as the court shall direct.

SECTION 5. Provisions shall be inoperative.—The provisions of this act shall become inoperative on April 1, 1967, unless extended by legislative act.

SECTION 6. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 4th day of May, 1966.

(R779, H1981)

No. 1166

An Act To Make A Supplemental Appropriation For Abbeville County And To Authorize The Governing Body Of The County To Borrow Funds Under Certain Conditions.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. There is hereby appropriated from the General Fund of Abbeville County the sum of thirty thousand dollars, or so much thereof as may be necessary, for the fiscal year July 1, 1965 through June 30, 1966, which shall be in addition to amounts appropriated in the Abbeville County annual appropriations act. The appropriation shall be used for Abbeville County's share of the expenditures made by the Piedmont Technical Education Commission.

SECTION 2. In the event the undertakings provided for in Section 1 are not accomplished within the fiscal year 1965-1966, the unspent amount shall be carried over to the fiscal year 1966-1967.

SECTION 3. In the event the General Fund of the county is insufficient to meet this appropriation, the governing body of the county may borrow from the Division of General Services of the Budget and Control Board or any other source the amount necessary to make up the difference between the amount available and the amount

appropriated under such terms and conditions as may be mutually agreed upon.

SECTION 4. Should the money be borrowed from the Division of General Services it shall be repaid in two equal annual installments or earlier from the general fund of the county, and, should there be default in any payment, the State Treasurer is directed to withhold any funds accruing to the county and to transmit them to the Division of General Services.

SECTION 5. This act shall take effect upon approval by the Governor.

Approved the 16th day of February, 1966.

(R869, H2190)

No. 1167

A Joint Resolution Proposing An Amendment To Section 5 Of Article X Of The Constitution Of South Carolina, 1895, Relating To The Limit Of Bonded Indebtedness Of Certain Political Subdivisions, So As To Permit Abbeville County School District No. 60 To Incur Bonded Indebtedness Up To Twenty Per Cent Of The Assessed Value Of The Taxable Property Therein, And To Exclude Such Indebtedness From The Limitation Of Aggregate Indebtedness Upon Any Municipality Or Political Subdivision Of The County Or State Covering Or Partially Extending Over The Territory Of The District.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Amendment to Section 5, Article X, State Constitution, proposed—bonded indebtedness of Abbeville County School District 60.—There is proposed the following amendment to Section 5 of Article X of the Constitution of this State: add at the end of the section the following proviso: "*Provided*, that the limitations as to bonded indebtedness imposed by this section shall not apply to the bonded indebtedness of Abbeville County School District No. 60 and the school district may incur bonded debt to the extent of not exceeding twenty per cent of the assessed value of all taxable property therein. The bonded indebtedness of the district shall not be considered in determining the power to incur indebtedness by any

municipality or political subdivision of the county or State covering or partially extending over the territory of such district.”

SECTION 2. Submission to electors.—The proposed amendment shall be submitted to the qualified electors at the next general election for representatives. Ballots shall be provided at the various voting precincts with the following words printed or written thereon: “Shall Section 5 of Article X of the Constitution of this State be amended so as to permit Abbeville County School District No. 60 to increase its bonded indebtedness up to twenty per cent of the assessed value of the taxable property therein, and to exclude such indebtedness from the limitation of aggregate indebtedness upon any municipality or political subdivision of the county or State covering or partially extending over the territory of the district?”

In favor of the amendment ☐

Opposed to the amendment ☐

Those voting in favor of the amendment shall deposit a ballot with a check or cross mark in the square after the words ‘In favor of the amendment’, and those voting against the amendment shall deposit a ballot with a check or cross mark in the square after the words ‘Opposed to the amendment’.”

Ratified the 15th day of March, 1966.

(R892, H2249)

No. 1168

An Act To Make A Supplemental Appropriation For Abbeville County And To Authorize The Governing Body Of The County To Borrow Funds Under Certain Conditions.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. There is hereby appropriated from the General Fund of Abbeville County the sum of fifty thousand dollars, or so much thereof as may be necessary, for the fiscal year July 1, 1965, through June 30, 1966, which shall be in addition to amounts appropriated in the Abbeville County annual appropriations act. The appropriation shall be used for the purchase of road-building machinery and equipment; *provided*, that no such purchases shall be made except upon competitive bids, including a bid by the State Purchasing Agent.

SECTION 2. In the event the General Fund of the county is insufficient to meet this appropriation, the governing body of the county may borrow from the Division of General Services of the Budget and Control Board or any other source the amount necessary to make up the difference between the amount available and the amount appropriated under such terms and conditions as may be mutually agreed upon.

SECTION 3. The full faith, credit and taxing power of the county are hereby irrevocably pledged to the payment of the indebtedness provided for in this act.

SECTION 4. Should the money be borrowed from the Division of General Services, it shall be repaid in two equal, annual installments, or earlier, from the General Fund of the county, and, should there be default in any payment, the State Treasurer is directed to withhold any funds accruing to the county and to transmit them to the Division of General Services.

SECTION 5. This act shall take effect upon approval by the Governor.

Approved the 18th day of March, 1966.

(R903, H2262)

No. 1169

A Joint Resolution Proposing An Amendment To Section 5 Of Article X Of The Constitution Of South Carolina, 1895, Relating To The Limit Of Bonded Indebtedness Of Certain Political Subdivisions, So As To Permit Abbeville County To Incur Bonded Indebtedness Up To Twenty Per Cent Of The Assessed Value Of The Taxable Property Therein, And To Exclude Such Indebtedness From The Limitation Of Aggregate Indebtedness Upon Any Municipality Or Political Subdivision Of The County Or State Covering Or Partially Extending Over The Territory Of The District.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Amendment to Section 5, Article X, State Constitution, proposed—bonded indebtedness of Abbeville County.—There is proposed the following amendment to Section 5 of Article

X of the Constitution of this State: add at the end of the section the following proviso: "*Provided*, that the limitations as to bonded indebtedness imposed by this section shall not apply to the bonded indebtedness of Abbeville County and the county may incur bonded debt to the extent of not exceeding twenty per cent of the assessed value of all taxable property therein. The bonded indebtedness of the county shall not be considered in determining the power to incur indebtedness by any municipality or political subdivision of the county or State covering or partially extending over the territory of such district."

SECTION 2. Submission to electors.—The proposed amendment shall be submitted to the qualified electors at the next general election for representatives. Ballots shall be provided at the various voting precincts with the following words printed or written thereon: "Shall Section 5 of Article X of the Constitution of this State be amended so as to permit Abbeville County to increase its bonded indebtedness up to twenty per cent of the assessed value of the taxable property therein, and to exclude such indebtedness from the limitation of aggregate indebtedness upon any municipality or political subdivision of the county or State covering or partially extending over the territory of the district?"

In favor of the amendment ☐

Opposed to the amendment ☐

Those voting in favor of the amendment shall deposit a ballot with a check or cross mark in the square after the words 'In favor of the amendment', and those voting against the amendment shall deposit a ballot which a check or cross mark in the square after the words 'Opposed to the amendment'."

Ratified the 22nd day of March, 1966.

(R1247, H2621)

No. 1170

An Act To Provide For The Levy Of Taxes For School And County Purposes For The Fiscal Year Beginning July 1, 1966, And Ending June 30, 1967, For Abbeville County, And To Direct The Expenditure Thereof, And Otherwise Relating To The Fiscal Affairs Of Abbeville County.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. The Auditor of Abbeville County is hereby authorized to levy a sufficient millage on taxable property of Abbeville County to meet the appropriations herein made for the fiscal year beginning July 1, 1966, and ending June 30, 1967. There is hereby appropriated from the General Fund of Abbeville County the following sums for the following purposes:

ITEM A. SALARIES:

Auditor	\$ 1,089.00
Clerk to Auditor	3,300.00
Treasurer	1,089.00
The auditor and treasurer are paid from State funds \$4,577.00 each, and this together with county supplement gives each a salary of \$5,666.00.	
Clerk to Treasurer	3,300.00
Sheriff	5,600.00
Assistant Jailor to Sheriff	600.00
Four Deputy Sheriffs at \$4,800.00	19,200.00
Tax Collector and Purchasing Agent	4,800.00
Travel Expense, Tax Collector, etc.	600.00
<i>Provided</i> , the above shall be paid by order of County Governing Board upon an itemized and verified claim of Tax Collector and Purchasing Agent, not exceeding in any one month one-twelfth of the total allowance for the twelve months.	
Supervisor	5,600.00
Clerk to Board and Tax Collector—Purchasing Agent	3,300.00
Sub-Supervisors (2) @ \$800.00	1,600.00
Clerk of Court	5,600.00
Assistant to Clerk of Court	3,300.00
Judge of Probate	5,600.00
Clerk to Judge of Probate	3,300.00
Attorney	600.00
Coroner	900.00
Clerk-Stenographer	3,300.00
(For Sheriff, Magistrate, Coroner, Soil Conservation and Delegation.)	
Total	\$ 72,678.00

ITEM B. COURT EXPENSES:

Jurors and Witnesses\$ 6,000.00

Provided, that jurors for the Court of Common Pleas and General Sessions shall be paid at the rate of \$7.50 per day. *Provided*, further, that the jury boy shall receive \$5.00 per day and the court crier and bailiff shall receive \$7.50 per day.

Magistrates' Courts:

Abbeville 2,200.00

Donalds 360.00

Due West 360.00

Calhoun Falls 660.00

Lowndesville 360.00

Diamond Hill 360.00

Constables:

Donalds 330.00

Due West 330.00

Calhoun Falls 500.00

Lowndesville 330.00

Diamond Hill 330.00

Lunacies, Post Mortems and Inquests 1,250.00

Provided, that the Sheriff shall serve civil and criminal papers pertaining thereto. In the event that the Coroner of Abbeville County is sick, or otherwise disqualified, the Magistrate of Abbeville County shall hold post mortems and inquests without compensation; *provided*, further, that the examining physicians be paid \$10.00 each per examination.

Total\$ 13,370.00

ITEM C. PUBLIC OFFICES:

Printing, postage and stationery\$ 3,500.00

Telephone and telegraph, courthouse and phones of other county officials, assignments of telephones to be made by county governing board 2,500.00

Premiums of county bonds and recording of same 600.00

Total\$ 6,600.00

ITEM D. PUBLIC HEALTH:

Mental Health Clinic	\$ 4,000.00
County Health Unit, if so much be necessary, for use by the County Health Department in carrying on proper health program to be agreed upon by the county legislative dele- gation and the State Board of Health	12,000.00
Rent on Health Clinic at Donalds, S. C., pay- able \$25.00 per month, beginning the first day of July, 1966	300.00
Rent on Health Clinic at Antreville, \$12.00 per month	144.00
Total	\$ 16,444.00

ITEM E. PUBLIC BUILDINGS:

Janitor, Courthouse	\$ 2,000.00
Water, heat, lights, supplies and services for courthouse	6,500.00
Insurance	2,000.00
Total	\$ 10,500.00

ITEM F. SPECIALS:

Boards of Assessment and Equalization	\$ 8,100.00
Board of Registration, if so much be needed ..	500.00
Abbeville County Service Officer—monthly basis	1,320.00
Cost of service and maintenance of Mobile Telephone Service for the Law Enforcement Department of the county, under the super- vision of the Sheriff	1,200.00
Abbeville County Memorial Hospital	18,000.00
Payable to Abbeville County Memorial Hos- pital, on equal monthly basis. <i>Provided</i> , that the sum appropriated for the Abbeville County Memorial Hospital may be reduced by the amount accruing to the county from State revenues allocated for hospitaliza- tion.	
Development Board	5,000.00
Auditing Books for Abbeville County	2,000.00

Civil Air Patrol (for county-wide services) . .	300.00
Civil Defense (for county-wide services)	1,500.00
Contingent Fund	10,000.00
Abbeville County Library Board of Trustees	7,500.00
Historical Commission	300.00
Company Commander, 263rd Signal Co., Abbeville, S. C.	1,400.00
American Legion Commander, American Legion Post No. 72, Calhoun Falls, S. C., and Auxiliary	200.00
Abbeville American Legion, Post No. 2 and Auxiliary	250.00
South Carolina Retirement System, County's Part	5,000.00
Social Security, County's Part	3,500.00
Treasurer, Abbeville County Council of Boy Scouts	150.00
Treasurer, Girl Scouts	150.00
Lunch Room Program	1,200.00
Agriculture Workers:	
Secretary to Farm and Home Demonstration Agents (payable \$25.00 per month)	300.00
Assistant County Agent's expenses	240.00
Stamps, telephones, supplies	100.00
Monthly expense for County Agent	480.00
4-H Club Work	300.00
Home Demonstration Agent—supplies	75.00
Girls' Future Homemakers of America—camping expenses	250.00
Boys' Future Farmers of America—camping expenses	200.00
Forestry, to be used as determined by Forestry Commission	600.00
Total	<u>\$ 70,115.00</u>

ITEM G. JAIL EXPENSES:

Including dieting of prisoners and janitor . .	\$ 4,800.00
Lights and Water	900.00
Fuel	600.00
Repairs to automobile, gas and oil for Sheriff	3,600.00

Provided, that claims for gas and oil are to be paid monthly and before such claims shall be paid as valid claims against the county, the Sheriff must take an oath that the gas and oil consumed was used only in the enforcement of criminal law.

Provided, further, that the jailor shall diet all prisoners in his care and the janitor at one dollar and twenty-five cents per day each. All accounts for dieting of prisoners and the janitor shall be presented, duly attested, to the county governing board and by it allowed or rejected.

Deputy sheriffs' uniforms 600.00

Total \$ 10,500.00

ITEM H. COUNTY HOME AND FARM:

Chaplain and funeral expenses \$ 600.00

The Supervisors and sub-supervisors are given authority to exchange any produce, such as hay, corn, oats, cattle or hogs for fertilizer, ingredients to be used on the County Farm or roads of the county, for the purpose of growing truck for the purpose of feeding prisoners only, and an account to be kept of such transactions and a report to be made to the delegation. All other funds received from the sale of livestock and produce shall go into the General Fund of Abbeville County unless otherwise authorized by the County Legislative Delegation.

Total \$ 600.00

ITEM I. ROADS AND BRIDGES:

Maintenance of roads and bridges and purchasing of new road machinery and trucks, under jurisdiction of supervisor and sub-supervisors \$ 82,000.00

Total \$ 82,000.00

ITEM J. INTEREST, ETC.

Interest on county indebtedness\$ 1.00

Total\$ 1.00

ITEM K. PUBLIC WELFARE:

To pay Abbeville County Department of Public Welfare for use as an emergency fund payable on the order of the County Board of Public Welfare\$ 1,200.00

Provided, that no payment shall exceed the sum of \$25.00 to any one family or person.

Abbeville County Department of Public Welfare for use as Physician's Fee Fund, payable on order of the County Board of Public Welfare 600.00

Provided, that no physician's fee shall be expended except to call on persons on the relief roll of Abbeville County who are unable to attend the clinics provided by Abbeville County Health Department.

Abbeville County Department of Public Welfare—for office supplies 100.00

Abbeville County Department of Public Welfare, for one additional clerical worker, payable \$150.00 per month 1,800.00

County Director of Public Welfare, supplemental salary, payable \$30.00 per month 360.00

Public Welfare members (3), payable \$7.50 per month 270.00

Each member of Public Welfare Staff, Social Workers, expense account—four members \$120.00 each, payable \$10.00 per month 480.00

Each member of Public Welfare Staff, Clerical workers—three members \$120.00 each, payable \$10.00 per month 360.00

Total\$ 5,170.00

ITEM L. MISCELLANEOUS\$ 1.00

Total\$ 1.00

GRAND TOTAL\$287,979.00

Less Estimated Revenue Other Than Taxes:

Road Tax	\$ 1,200.00
Income Tax	45,000.00
Liquor Tax	25,000.00
Beer and Wine Tax	7,200.00
Gas Tax	82,000.00
Bank Tax	1,800.00
Insurance License Fees	16,000.00
Fines and Fees	38,000.00
Forestry	12,000.00
Total	\$228,200.00

TOTAL TO BE RAISED BY TAXATION \$ 59,779.00

SECTION 2. The supervisors shall have equal authority in county matters with the supervisor; *provided*, that the statement of affairs of the county shall be posted on the bulletin board in front of the courthouse and published in the newspapers as now provided by law; that unless the supervisor publishes the statement it shall be unlawful for the county treasurer to pay the salary of the supervisor; *provided*, that the county treasurer shall pay all county officers monthly instead of quarterly. *Provided*, further, that in the maintenance of county roads the supervisor is hereby authorized to expend not more than one-fourth of the appropriation during each quarter of the calendar year.

SECTION 3. The Board of Trustees of School District No. 60 of Abbeville County shall prepare a budget for cost of operation of the schools, maintenance of buildings and equipment within the district, and determine the number of mills required to be levied to finance same. They shall then certify at an appropriate date the budget and millage required for the year to the county board of education. The county board of education shall review the budget and recommend millage so submitted, making such changes as the board of education may deem necessary; then the county board of education shall certify the millage required to the Auditor of Abbeville County, whereupon the county auditor shall levy the required tax upon all taxable property within the district and the Treasurer of Abbeville County shall collect the same in like manner as all taxes are collected, and place the same in the district school account, to be disbursed for the declared purpose in the manner fixed by law and in keeping with the budget submitted.

SECTION 4. The money appropriated above as a contingent fund is to be used and paid out at the direction of the county delegation.

SECTION 5. The various items herein appropriated for the purposes herein specified shall be used exclusively as provided for in this act, and any transfer of funds from one item to another is hereby specifically prohibited, and any officer who violates this provision shall be deemed and considered guilty of malfeasance in office. *Provided*, that the transfer of any of the items may be made by the written consent of the Abbeville County Delegation, and upon such transfers being made, such sum shall be expended only for the purposes designated by such transfers.

SECTION 6. If there shall not be sufficient funds available for the full payment of the notes, if any have been executed by the county board to secure the loans for the fiscal year 1965-66, ending June 30, 1966, then in that case the county governing board is authorized to renew such note or notes for any balance or balances which may be due and unpaid for such time as funds may become available for the payment of same.

SECTION 7. Any unexpended balance in any department, at the end of the fiscal year 1965-66, with all delinquent taxes, other than school taxes, which shall be collected in the fiscal year 1966-67 shall be placed in the contingent fund. The legislative delegation shall direct that this fund be used for county purposes and if it is found that the tax levy can be reduced, the delegation shall instruct the auditor to reduce the same.

SECTION 8. The Abbeville County Legislative Delegation, or in lieu thereof the county governing board, may, at any time, order the discontinuance and storage of any motor car or other equipment owned or hereafter to be owned by Abbeville County.

SECTION 9. The county governing board is hereby authorized and empowered to secure the services of a public accountant to make an audit of the county books for the fiscal year 1966-1967.

SECTION 10. In the event the county needs legal advice of any sort, the Abbeville County Governing Board shall employ an attorney of its choice and shall pay for such legal advice from the contingent fund, or by annual appropriation.

SECTION 11. The salaries fixed herein for the clerk of court of common pleas and general sessions and register of mesne conveyances,

sheriff, county treasurer, judge of probate and county auditor shall be in full compensation and all fees to be collected by law for items placed in their hands, on and after July 1, 1966, shall be turned over to the county treasurer as provided in Section 14-712 of the Code of Laws of South Carolina, 1962; *provided*, that should any officer fail to comply with the above stated acts, the county governing body shall withhold payment of salary of said officer until such is done.

SECTION 12. The Abbeville County Delegation may add new items in Item L. Miscellaneous, and transfer from the contingent fund, for the payment thereof.

SECTION 13. The supervisor and the sub-supervisor are hereby prohibited from entering into a contract for the county whereby any legal counsel is employed to prosecute or defend any suit in the State, county, or any official thereof, or agree to pay any legal fees to counsel whether authorized by the courts, or not, without having first obtained the written consent of the Abbeville County Legislative Delegation.

SECTION 14. All authorizations for transfers for the 1965-1966 Appropriations Act of Abbeville County to all departments of county government are hereby ratified, confirmed and validated.

SECTION 15. The county governing board of Abbeville County is hereby authorized and directed to borrow the sum of seventy-five thousand dollars, if so much be necessary, to be credited to the general county fund, and used for general county expenses in the event that the sums herein appropriated should be insufficient to meet the needs of the county for the period covered by this act.

SECTION 16. Such indebtedness, if created shall be evidenced by a note and such note shall bear interest at the rate of not to exceed five per cent per annum; shall be payable one year from date, and shall be signed by the chairman and the members of the county governing board.

SECTION 17. The county treasurer is hereby authorized to credit the proceeds of the loan to the general county fund.

SECTION 18. The indebtedness evidenced by the note provided for herein shall be repaid from the proceeds of the tax levy for the fiscal year 1966-1967.

SECTION 19. No long distance telephone calls shall be charged to the county except such as are necessary in performing a public duty in connection with the administration of the affairs of the county, and no claim for any such calls shall be approved or paid unless on a verified, itemized claim showing the name of the person making the call, the person to whom the call was made and the date and purpose thereof.

SECTION 20. All purchases for the officials of Abbeville County shall be by the county purchasing agent in keeping with Act of 1965, or Sections 14-731 and 14-732, Code of Laws of South Carolina, 1962.

SECTION 21. All gasoline used by the Sheriff's Department will be supplied from the tank at the Abbeville County Jail. At the time any gasoline is pumped from the tank and oil furnished, the same shall be signed for by the party getting the gasoline or oil at the fueling place. In case there should be an emergency on the road or on business out of the county, then the Sheriff's Department is permitted to purchase gasoline, oil, meals, lodging or any emergency items, to be reimbursed for such expenses upon furnishing an itemized statement.

SECTION 22. Any necessary expenses incurred by any county official pertaining entirely to county business will be reimbursed out of the contingent fund by furnishing the county governing board with a sworn statement of expenditures.

SECTION 23. All appropriations made herein and all unappropriated and unpledged surplus funds in the hands of the Treasurer of Abbeville County are subject to the right and authority of the county legislative delegation to alter, increase or deduct therefrom at any time, when, in their judgment, such alterations, increases or deductions are necessary for the best interest of the county and to conform with the revenue expected during the life of this act. All surplus funds resulting from unused appropriations and obvious surplus funds accruing to the general fund of the county shall be transferred to the contingent fund, and the contingent fund is to be used and paid out at the direction of the county legislative delegation or in lieu thereof the county governing board as set forth hereinabove and for purpose of further development of the general welfare of the citizens of Abbeville County.

SECTION 24. The records pertaining to the business of Abbeville County shall be open to inspection by any member of the county legislative delegation or to any citizen of Abbeville County.

SECTION 25. Each agency or department of the county shall keep an up-to-date stock record of all properties or goods purchased with appropriated funds, a copy of which shall be filed with the clerk of court and the county governing board at the end of each fiscal year.

SECTION 26. Each agency or department of the county receiving appropriated funds shall, at the end of each fiscal year, file with the clerk of court and the county governing board an accounting as to the use of such funds. This accounting shall be available for examination or inspection by the citizens of Abbeville County.

SECTION 27. This act shall take effect upon approval by the Governor.

Approved the 14th day of May, 1966.

(R1104, S736)

No. 1171

An Act To Authorize The Board Of Trustees Of Aiken County Hospital To Borrow A Sum Not To Exceed One Hundred Thousand Dollars To Retire Certain Indebtedness.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Aiken County Hospital may borrow money.—The Board of Trustees of Aiken County Hospital is authorized to borrow a sum not to exceed one hundred thousand dollars for the purpose of retiring outstanding indebtedness of the hospital. The indebtedness shall be evidenced by a note executed by the chairman and the treasurer of the board and shall be obtained at the most favorable rate of interest. The indebtedness shall be repayable in four equal annual instalments, together with interest thereon.

SECTION 2. Payment.—For the payment of the principal and interest of the note, the full faith, credit and taxing power of Aiken County are irrevocably pledged.

SECTION 3. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 4th day of May, 1966.

(R1161, H2316)

No. 1172

An Act To Dissolve The Consolidated School District Resulting From The Enactment Of Acts No. 271 Of 1953, 946 Of 1958 And 709 Of 1960 And Comprised Of All Of Aiken County, That Area In Saluda County Formerly Known As Ridge Spring School District No. 2, And That Area In Edgefield County Formerly Known As Wimberly Branch School District Of Edgefield County; And To Provide For The Disposition Of The Properties Of The Consolidated School District And For The Bonded Indebtedness And Other Obligations Of The School District.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Finding of General Assembly.—The General Assembly has made the following findings of fact :

(1) By Act No. 389 of the Acts of 1965 the General Assembly attempted unsuccessfully to establish an arrangement, contractual in nature, by which the School District of Aiken County, created by resolution of the County Board of Education of Aiken County, adopted on September 11, 1951, might provide school services for pupils residing in the Ridge Spring section of Saluda County and in the Wimberly Branch section of Edgefield County, formerly known, respectively, as Ridge Spring School District No. 2 of Saluda County and Wimberly Branch School District of Edgefield County. In a cause entitled *Boatwright v. McElmurray, et al*, the Supreme Court of South Carolina held on February 7, 1966, that former enactments on that subject, viz.: Acts Nos. 271 of 1953, 946 of 1958 and 709 of 1960 had brought about a consolidation of the School District of Aiken County and Ridge Spring School District No. 2 of Saluda County and Wimberly Branch School District of Edgefield County.

(2) The Supreme Court further held that the provisions of Section 4 of Act No. 389, prescribing that the School District of Aiken County shall continue as established by action of the County Board of Education of Aiken County on September 11, 1951, were ineffective and that to accomplish the result intended by Section 4, the consolidated district must be dissolved.

(3) Due consideration has been given to this holding and its effect upon the school program of the areas affected, and the conclusion has been reached that the consolidated school district must be dissolved.

(4) On the occasion of the incorporation of the consolidated school district, which resulted from Acts No. 271 of 1953, 946 of 1958 and 709 of 1960, there were no school buildings or school property in Wimberly Branch School District of Edgefield County. None has been constructed or acquired since that time and, as of this date, there is no school property located in the area of Edgefield County formerly known as Wimberly Branch School District. There is no bonded indebtedness outstanding against Wimberly Branch School District.

(5) The consolidated school district operated schools elsewhere which were attended by children residing in the area formerly known as Wimberly Branch School District. The expense of educating these children was borne by the Trustees of the School District of Edgefield County on the basis of the per pupil cost of educating children in the consolidated school district.

(6) On the occasion of the incorporation of the consolidated school district, there were three school buildings in the area of Saluda County which formerly comprised Ridge Spring School District No. 2. Since that time an extensive new high school building was constructed. It was paid for through State aid. Some other improvements and enlargements, relatively minor in nature, have been made to school facilities. These have been paid for by the consolidated school district. During the period intervening between the enactment of Acts No. 271 of 1953 and 946 of 1958, arrangements with respect to payments on account of pupils residing in the area formerly constituting Ridge Spring School District No. 2 were made, similar to the arrangements relating to pupils in the area formerly constituting Wimberly Branch School District of Edgefield County. Following the enactment of Act No. 946 of 1958, a tax levy was imposed upon the area formerly constituting Ridge Spring School District No. 2 identical to that imposed in Aiken County. As a consequence thereof, a portion of such tax levy was used to pay bonded indebtedness incurred by the consolidated school district.

(7) There is outstanding no bonded indebtedness applicable to Ridge Spring School District No. 2.

(8) During the period of the existence of the consolidated school district, bonds have been issued by the School District of Aiken County and their proceeds expended, with the exception of small amounts paid for improvements and enlargements to the schools located in the former school district known as Ridge Spring School

District No. 2, for buildings and improvements to schools located within Aiken County.

(9) Arrangements have been made for the operation of public schools throughout the consolidated school district for the present school year, and the proceeds of taxes duly levied and other appropriations, including State aid, are available for that purpose.

(10) By legislation, in *pari materia*, provision has been made for the re-establishment of the School District of Aiken County as originally constituted following action by the County Board of Education of Aiken County on September 11, 1951, and for the re-establishment of Ridge Spring School District No. 2 of Saluda County. Further legislation, in *pari materia*, consolidates that area of Edgefield County, formerly known as Wimberly Branch School District, into the School District of Edgefield County, thus making the School District of Edgefield County coextensive with Edgefield County itself.

(11) Contemporaneously with the enactment of such legislation, and this legislation, action has been or will be taken by the County Boards of Education of Aiken, Saluda and Edgefield Counties to:

(a) dissolve the consolidated school district resulting from the enactments heretofore mentioned; and

(b) to re-establish the Ridge Spring School District No. 2 of Saluda County and to consolidate with the School District of Edgefield County that area in Edgefield County formerly known as Wimberly Branch School District.

(12) Due consideration has been given to the facts above set forth and the General Assembly has concluded that it is equitable and just that:

(a) the re-established School District of Aiken County (comprised of an area coextensive with Aiken County) assume in toto all bonded indebtedness now outstanding against the School District of Aiken County and to succeed to all school property of the consolidated school district, both real and personal, located within Aiken County;

(b) the re-established school district known as Ridge Spring School District No. 2 of Saluda County succeed to all school property, both real and personal, which shall be located within the Saluda County section of the consolidated school district;

(c) the re-established school district of Ridge Spring School District No. 2 of Saluda County be relieved in toto of all bonded indebtedness of the consolidated school district;

(d) the territory formerly comprising Wimberly Branch School District of Edgefield County be relieved of all bonded indebtedness or other obligations of the consolidated school district, and that the School District of Edgefield County as enlarged through the consolidation of the area formerly known as Wimberly Branch School District be declared to have assumed no obligations or bonded indebtedness of the consolidated school district.

(e) the reconstituted School District of Aiken County shall assume the obligation of maintaining for the balance of the present school year the operation of the schools within the former consolidated school district and, as such, it shall be entitled to all appropriations, State aid, and the proceeds of all taxes levied for such purpose.

SECTION 2. Consolidated school district abolished.—Effective as of April 1, 1966, the consolidated school district resulting from the enactment of Acts No. 271 of 1953, 946 of 1958 and 709 of 1960 is hereby dissolved.

SECTION 3. Property within Aiken County.—All property, real and personal, formerly belonging to the consolidated school district which shall be located within Aiken County shall become the absolute property, in fee simple, of the reconstituted School District of Aiken County.

SECTION 4. Property within Saluda County.—All property, real and personal, formerly belonging to the consolidated school district which shall be located within Saluda County shall become the absolute property, in fee simple, of the Ridge Spring School District No. 2 of Saluda County.

SECTION 5. Bonded indebtedness.—All bonded indebtedness of the consolidated school district shall be imposed upon and is hereby assumed by the reconstituted School District of Aiken County. All of such bonded indebtedness is hereby validated and confirmed and declared to be the absolute and unconditional obligation of the reconstituted School District of Aiken County, and shall be and is hereby secured by the full faith, credit and taxing power of the reconstituted School District of Aiken County, and for the payment of which there shall be annually levied by the Auditor of Aiken County and collected by the Treasurer of Aiken County an ad valorem tax upon all taxable property within the reconstituted school district, sufficient to

pay the principal and interest of such bonded indebtedness as it matures and to create such sinking fund as may be necessary therefor.

SECTION 6. Obligations of consolidated school district.—All other obligations of the consolidated school district are hereby declared to be the absolute and unconditional obligation of the reconstituted School District of Aiken County, including the obligation to pay for the cost of operating and maintaining schools located in the reconstituted school district of Ridge Spring School District No. 2 for the balance of the present school year, but the proceeds of all taxes levied therefor and all appropriations made for such operation and maintenance, including State aid, shall be remitted to or for the account of the reconstituted School District of Aiken County.

SECTION 7. School District of Edgefield County—liability.—The School District of Edgefield County, as enlarged and consolidated by the annexation thereto of the area in Edgefield County formerly known as Wimberly Branch School District, shall have no responsibility or liability whatsoever for any obligations or bonded indebtedness of the consolidated school district.

SECTION 8. Act to be complementary.—This act shall be deemed complementary to, and not in derogation of, any action taken by the County Boards of Education of Aiken, Saluda and Edgefield Counties, pursuant to Section 21-112 (2) (a), in effecting the dissolution of the consolidated school district and re-establishing the School District of Aiken County with an area coextensive to Aiken County, in re-establishing the Ridge Spring School District No. 2 of Saluda County with an area similar to that which formerly comprised Ridge Spring School District No. 2 of Saluda County prior to the enactment of Act No. 271 of 1953, and in consolidating the area comprising the former school district known as Wimberly Branch School District of Edgefield County into the School District of Edgefield County.

SECTION 9. Acts 271 of 1953, 946 of 1958, 709 of 1960 and 389 of 1965 repealed.—All acts or parts of acts inconsistent herewith, including specifically Acts Nos. 271 of 1953, 946 of 1958, 709 of 1960 and 389 of 1965 are repealed.

SECTION 10. Saving clause.—The provisions of this act are not intended to be mutually dependent upon each other and the invalidity of any provision of this act shall not affect or disturb the remaining provisions.

SECTION 11. Time effective.—This act shall take effect as of April 1, 1966, or upon its approval by the Governor, whichever shall last occur.

Approved the 10th day of May, 1966.

(R1172, H2321)

No. 1173

An Act To Authorize The Board Of Education Of Aiken County To Issue Not Exceeding Three Million Dollars Of General Obligation Bonds Of The School District Of Aiken County; To Prescribe The Conditions Under Which The Bonds May Be Issued And The Purposes For Which Their Proceeds May Be Expended; And To Make Provision For The Payment Of The Bonds.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Findings of General Assembly.—The General Assembly finds that by action heretofore taken by the General Assembly and by the County Boards of Education of Aiken, Saluda and Edgefield Counties, the consolidated school district resulting from Acts Nos. 271 of 1953, 946 of 1958 and 709 of 1960 has been dissolved and that, effective April 1, 1966, The School District of Aiken County has been recreated, consisting of territory coextensive with that of Aiken County and that the County Board of Education of Aiken County, as constituted by an act of the General Assembly in pari materia (the Board), has supervision of and conducts the affairs of The School District of Aiken County as recreated.

The General Assembly further finds that extensive additional public school facilities are required by the reconstituted School District of Aiken County (The School District) and has determined that the Board should be authorized and empowered to issue not exceeding three million dollars of general obligation bonds of the School District for the purpose of defraying the costs of additional public school facilities, including costs in connection with such additional facilities which have been heretofore incurred and paid for out of the general funds of the School District (as heretofore constituted). It is mindful that the debt limitation imposed upon The School District of Aiken County is that resulting from a special constitutional amendment to Article X, Section 5, ratified by Act No. 58 of 1951, and found at page 255 of Volume 16, Code of Laws of

South Carolina, 1962. Accordingly, it proposes to authorize the County Board to make provisions for the issuance and sale of bonds to the foregoing extent.

SECTION 2. Bonds may be issued.—In order to obtain funds for the purposes set forth, the Board is hereby authorized to issue not exceeding three million dollars of general obligation bonds of the School District, or such lesser amount as may be permitted by the applicable constitutional debt limitation at the time or times of issuance. The proceeds derived from the sale of the bonds shall be disposed of as follows:

(a) Any accrued interest shall be applied to the payment of the first instalment of interest on such bonds.

(b) Any premium shall be applied to the payment of the first installment of principal of the bonds.

(c) The remaining proceeds shall be used to defray the cost of issuing the bonds authorized hereby and, to pay the cost of further public school facilities, including costs in connection with such additional facilities which have been heretofore incurred and paid for out of the general funds of the School District (as heretofore constituted).

(d) If any balance remain, it shall be held by the Treasurer of Aiken County in a special fund and used to effect the retirement of the bonds authorized hereby.

SECTION 3. Bonds—issue—maturity — redemption — denomination—payment.—The bonds may be issued as a single issue, or from time to time as several separate issues in the discretion of the board; *provided*, that no bonds shall be issued later than two years after the effective date of this act. All bonds shall mature serially in successive annual instalments of such amounts as may be determined by the Board, except that the maturity date of the last instalment of any bonds issued hereunder shall fall due not later than twenty years from the date the bonds bear, and the first maturity date may be postponed not more than two years from the date the bonds bear. Any bond issued pursuant to this act may, at the discretion of the Board, contain a provision permitting its redemption prior to its stated maturity at such redemption premium as the Board shall prescribe. The bonds shall be of such denomination, shall bear such rate or rates of interest as the Board may determine, payable on such occasions as the Board shall determine, but the average rate

of interest for any issue of bonds sold pursuant to the authorizations of this act shall not exceed four and one-half per cent. The bonds may be issued with the privilege to the holder of having them registered as to principal on the books of the Treasurer of Aiken County, and the principal thus made payable to the registered holder (unless the last registered transfer shall have been to bearer), upon such conditions as the Board may prescribe. They shall bear such date or dates and be payable at such places as the Board may likewise prescribe.

SECTION 4. Interest.—The bonds, and the interest coupons thereto attached, shall be executed in such manner as the Board shall prescribe.

SECTION 5. Sale.—The bonds shall be sold by the Board at not less than par and accrued interest to the date of their respective deliveries, at public sale, and at least ten days prior to any sale, notice, announcing the intention to receive bids for the sale of any bonds authorized by this act, shall be published in a newspaper of general circulation in the State of South Carolina.

SECTION 6. Exempt from taxes.—The bonds and all interest to become due thereon shall have the tax-exempt status as prescribed by Section 65-4.1 of the 1962 Code.

SECTION 7. Payment.—For the payment of the principal and interest of all bonds issued pursuant to this act, as they respectively mature, and for the creation of such sinking fund as may be necessary therefor, the full faith, credit and taxing power of the School District shall be irrevocably pledged, and there shall be levied annually by the Auditor of Aiken County, and collected by the Treasurer of Aiken County, a tax without limit on all taxable property in the School District, sufficient to pay the principal and interest of the bonds as they respectively mature, and to create such sinking fund as may be necessary therefor.

SECTION 8. Action of board.—Any action required of the Board may be taken at any meeting of the Board, regular or special, and at such meeting a majority of the members of the Board shall constitute a quorum for the purpose of adopting a resolution making provision for the issuance of bonds pursuant to this act, awarding the sale of such bonds, or taking any other action permitted or required of the Board by the provisions of this act. *Provided*, that any action required

of the Board concerning the issuance of the bonds provided for in this act shall be voted on favorably by a majority of the members.

SECTION 9. Time effective.—This act shall take effect upon approval by the Governor or April 1, 1966, whichever last occurs.

Approved the 10th day of May, 1966.

(R1194, H2318)

No. 1174

A Joint Resolution Proposing An Amendment To Section 5 Of Article X Of The Constitution Of This State, Relating To Bonded Indebtedness, So As To Permit Any School District Comprising All Or Any Part Of Aiken County And Parts Of Any County Or Counties Which Shall Be Adjacent To Aiken County To Incur Bonded Indebtedness To An Amount Not Exceeding Twenty-five Per Cent Of The Assessed Value Of All Taxable Property Therein.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Findings of General Assembly.—The General Assembly finds that it is proposed to reconstruct, as of July 1, 1967, the School District of Aiken County in such fashion that it shall include all of Aiken County and portions of counties adjoining to Aiken County, if, as thus comprised, such school district shall have a constitutional debt limitation of twenty-five per cent similar to that provided for school districts in Aiken County by provisions of the special constitutional amendment ratified in 1951 and found on Page 255 of Volume 16 of the Code of Laws of South Carolina, 1962. On this basis the General Assembly proposes to submit to the qualified electors of the State at the next general election the question of whether Section 5 of Article X of the State Constitution should be so amended.

SECTION 2. Amendment to Article X, Section 5, State Constitution, proposed—bonded indebtedness—School District comprising part of Aiken County and parts of other counties.—It is proposed that Section 5 of Article X of the State Constitution be amended by adding at the end thereof the following: “*Provided*, that the limitations imposed by Section 5 of Article X of the Constitution of this State shall not apply to any school district comprising all or any part of Aiken County (as such county is now or hereafter

constituted) and parts of any county or counties which shall be adjacent to Aiken County, but in such instances any school district which shall comprise all or any part of Aiken County and parts of other counties adjacent to Aiken County may incur bonded indebtedness to an amount not exceeding twenty-five per cent of the assessed value of all taxable property therein; and the indebtedness of any such school district shall not be considered in determining the power of any county or other political subdivisions or municipal corporations of any County or the State covering or extending over any portion of the territory of such school district to incur bonded indebtedness."

SECTION 3. Submission to electors.—The proposed amendment shall be submitted to the qualified electors at the next general election for representatives. Ballots shall be provided at the various voting precincts with the following words printed or written thereon: "Shall Section 5 of Article X of the Constitution of this State be so amended as to permit any school district comprised of all or any part of Aiken County and parts of any other county or counties which shall be adjacent to Aiken County to incur bonded indebtedness to an amount not exceeding twenty-five per cent of the assessed value of the taxable property in any such school district and to exclude any such indebtedness from the calculations of the aggregate debt limitations imposed by Section 5 of Article X?"

In favor of the amendment ☐

Opposed to the amendment ☐

Those voting in favor of the amendment shall deposit a ballot with a check or cross mark in the square after the words 'In favor of the amendment', and those voting against the amendment shall deposit a ballot with a check or cross mark in the square after the words 'Opposed to the amendment'."

Ratified the 6th day of May, 1966.

(R1341, H2023)

No. 1175

An Act To Create The Horse Creek Valley Sanitation And Drainage Commission In Aiken County And To Specify Powers And Duties Of The Commission.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Horse Creek Valley Sanitation and Drainage Commission created.—There is hereby created the Horse Creek Valley Sanitation and Drainage Commission, which shall be composed of eight members to be appointed by the Governor upon the recommendation of a majority of the Aiken County Legislative Delegation, including the Senator. Members of the Board of Commissioners of Public Service Districts located in Horse Creek Valley shall be eligible for appointment to serve as ex officio members of this Commission. The Commission shall meet as soon as practicable after appointment and will organize itself by electing one of its members as chairman and such other officers as the Commission may deem necessary. The commission shall meet on the call of the chairman or a majority of the members.

SECTION 2. Survey.—The commission shall make a survey of the Clearwater swamp area in Horse Creek Valley and shall investigate fully the problems of stagnation of water and practical methods of drainage, looking to the reclamation of publicly owned land wherever possible and the improvement of the streams of such area. The commission shall have the power to employ an engineer or firm of engineers to assist the commission in the discharge of its duties.

SECTION 3. Budget.—The commission shall submit a budget with an estimate of the cost which will be necessary to carry out its duties, which budget will be submitted to the Aiken County Legislative Delegation as soon as practicable.

SECTION 4. Report.—The commission shall submit a complete report to the Aiken County Legislative Delegation as soon as practicable with such facts and recommendations in the premises as may appear proper.

SECTION 5. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 1st day of June, 1966.

(R1363, H2691)

No. 1176

An Act To Provide For The Levy Of Taxes For Ordinary County Purposes In Aiken County For The Fiscal Year Beginning July 1, 1966, And To Provide For The Expenditure Thereof.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. There shall be levied a tax upon all the taxable property of Aiken County for ordinary and special county purposes for the fiscal year beginning July 1, 1966, and ending June 30, 1967, sufficient to meet the amounts hereinafter appropriated, after deducting therefrom the estimated revenue accruing from sources other than the ordinary county taxes.

Item 1. Roads and bridges, including county shop, miscellaneous, office supplies and machinery	\$150,000.00
Salaries:	
Supervisor	9,200.00
Travel Expense of Supervisor	2,400.00
Three Commissioners @ \$2,700.00 each	8,100.00
Three Commissioners, Expenses \$1,500.00 each	4,500.00
Chief Clerk, base pay	4,090.00
Clerk, base pay	3,745.00
Superintendent of County Farm, base pay	3,608.00
One Machinist, base pay	4,235.00
Two Machinists (Assistant) @ \$3,855.00 each, base pay	7,710.00
Three Road Foremen @ \$3,608.00, base pay ..	10,824.00
Three Guards @ \$3,608.00, base pay	10,824.00
Two Tournapull Operators @ \$3,608.00, base pay	7,216.00
Six Road Patrols @ \$3,400.00, base pay	20,400.00
Permanent Depreciation Fund for replacement of machinery	25,000.00
Total, Item 1	\$271,852.00

Provided, that services of all equipment operators, when such machinery is under repairs, shall be used in other work at the direction of the commissioners and supervisor.

Provided, further, that the appropriation herein provided under Item 1, or so much thereof as

may be necessary after payment of salaries listed therein, shall be expended for the upkeep and maintenance of the roads and bridges of the county, convict camps, convicts, operation of the county farm, roadworking organizations and payment of all employees who may be engaged for such purposes.

Provided, further, that the supervisor shall have exclusive charge of the county farms and shall keep a record of the cost of operation thereof and all rents derived therefrom, and he shall have exclusive charge of the county convicts while they are confined in the county centralized camp and while they are engaged in work on the farms. The supervisor shall also have exclusive charge and supervision over the personnel necessary to be employed in the operation of the farm and management of the convict camp, with the right to hire and discharge any such employee. The employment of all guards of prisoners shall be with the approval of the county supervisor, and such guards shall be subject to his authority and control while on duty at the county centralized convict camp. The supervisor shall inspect all roads and make the same reports required of the commissioners and cooperate with the commissioners in maintaining the roads so as to keep the same in good condition for public use. All monies received from rents and sale of commodities shall be turned over to the treasurer of the county monthly.

Provided, further, the commissioners shall supervise all county road work in their respective districts, and they shall make requisition to the supervisor for such convicts from time to time as the needs of the roads in their respective districts may require; the commissioners shall be responsible for the convicts under their charge while at work, going to and returning from their

work at camp. Each commissioner shall keep a daily record of roads worked, showing the location thereof, in their respective districts and the cost. And, on Monday of each week, the commissioners shall file their report with the clerk of the county board, which reports shall be kept in the office of the board for inspection by the supervisor and the Legislative Delegation of Aiken County.

Provided, further, that upon vote of the commissioners and supervisor, as provided by law, the funds hereby appropriated and the county equipment may be distributed as needed, regardless of districts.

Item 2. Clerk of Court, salary	\$ 7,500.00
Chief Clerk, base pay	4,090.00
Clerk, base pay	3,745.00
Assistant Clerk, base pay	3,375.00
Five Clerk Aids @ \$3,260.00, base pay	16,300.00
Supplies	14,000.00
One Clerk Aid, Non-Support	3,260.00

Total, Item 2 \$ 52,270.00

Provided, the Clerk Aid, Non-Support, will be transferred to the office of the Judge of the Juvenile and Domestic Relations Court when that office assumes the collection of non-support payments.

Item 3. Sheriff's salary	\$ 9,200.00
Expenses, Sheriff	2,400.00
Chief Deputy	6,720.00
20 Deputy Sheriffs @ \$4,960.00, base pay	99,200.00
Telephone expenses—Chief Deputy, Identification Officer, Plainclothes Deputy and 19 Deputy Sheriffs, \$60.00 each	1,320.00
Supplies, Identification & Record Division	1,500.00
Identification Officer, base pay	4,960.00
Plainclothes Deputy, base pay	4,960.00
Car maintenance, gasoline and oil of Deputy Sheriffs, if so much be needed	16,000.00

Provided, that all cars now owned by Aiken County be used only for official county or State business.

Uniform allowance, 23 Deputies 4,600.00

Provided, that the Sheriff shall provide a Deputy Sheriff to serve as Bailiff for the Domestic and Juvenile Relations Court as required by the Judge of such court.

Provided, further, that any property owned by Aiken County for the use of personnel of the Sheriff's office shall be issued to such personnel only upon memorandum receipt for same, specifying the date, individual receiving it, nature of the property being issued, including serial numbers, if any; and in the event such personnel, having been issued county property, should leave the service of the county for any reason whatsoever, such personnel shall not receive his final pay check until all county property issued such personnel shall have been turned in and receipt therefor issued.

Provided, further, that in the expenditure of this appropriation, the county commissioners and supervisor shall be responsible for the expenditures thereof and provide gasoline and maintenance of the automobiles.

Provided, further, that such county-owned motor vehicles shall be insured in such manner as to make the county blameless in the event of accident to such vehicle or other innocent person or persons.

Provided, further, no deputy sheriff shall accept employment for policing night clubs, dance halls or honky-tonks.

Clerk of Sheriff, base pay	4,090.00
Assistant Clerk, base pay	3,375.00
Expenses—going after prisoners	1,400.00
Radio Technician	1,950.00
Radio Supplies	550.00
Supplies & Office Equipment	3,500.00

Expense Account, Information	500.00
Car expenses, Deputy Sheriffs, Graniteville— five @ \$102.50 per month	6,150.00
Six School Patrol Ladies, \$50.00 per month each, for 9 months	2,700.00
Expenses—police dogs	240.00
Permanent Depreciation Fund for replacement of county-owned cars, to be expended on com- petitive bid basis through the office of the super- visor and county commissioners upon the rec- ommendation of the Sheriff	4,500.00

Total, Item 3\$179,815.00

Item 4. Tax Collector:

Salary	\$ 6,800.00
Chief Clerk, base pay	4,090.00
Assistant Clerk, base pay	3,375.00
Property Record Clerk, base pay	1,380.00
Expenses of office, including gas, oil, books, etc.	2,000.00

Total, Item 4\$ 17,645.00

Provided, that total appropriations for this item shall be paid from the collections made by the Tax Collector, and any surplus existing thereafter shall be deposited to the credit of the General County Fund and the School Fund in the same proportion as the millage levied that fiscal year for each fund.

Item 5. County Jail and County Buildings:

Superintendent of Buildings, base pay	\$ 4,960.00
Telephone expenses, Superintendent of Buildings	60.00
Three Jailers @ \$4,960.00, base pay	14,880.00
Uniform allowance, Jailers	600.00
Uniform allowance, Superintendent of Buildings	200.00

Provided, that the jailers shall be appointed by the Sheriff and they shall be commissioned as deputy sheriffs. The Sheriff shall see to it that one of the jailers shall be at the jail at all times. The Superintendent of Buildings shall be ap-

pointed by the supervisor and the county commissioners and shall be in charge of maintenance and upkeep of all county buildings.

Jail expenses, including dieting of prisoners . . 10,500.00

Provided, that this fund of \$10,500.00 or so much thereof as may be necessary, is to be expended by the Sheriff with the approval of the supervisor in paying the actual expenses incurred in maintaining the jail and in dieting prisoners, and such expenses shall be paid by the Treasurer of Aiken County upon claims approved by the county commissioners and the supervisor. The Sheriff, in operating and maintaining the jail, may employ such cook and other help as he deems necessary and he is authorized and empowered to use the services of persons serving sentence imposed by the courts. The prisoners in the County Jail shall be under the jurisdiction of the Sheriff and the use of their services and other conditions as to their confinement shall be as directed by him. The commissioners and supervisors, when practicable, shall provide crops and meats grown and raised on the County Farm in dieting and feeding the prisoners.

Total, Item 5 \$ 31,200.00

Item 6. County Treasurer:

Salary \$ 2,922.68

Provided, that total salary appropriations from State and local funds shall not exceed the sum of \$7,500.00.

Chief Clerk, base pay 4,090.00

Assistant Clerk, base pay 3,375.00

Clerk Aid, base pay 3,260.00

Extra Clerical Help 3,000.00

Supplies and Miscellaneous 1,200.00

County Treasurer, travel 250.00

Mailing out tax notices, if so much be necessary 2,700.00

Total, Item 6 \$ 20,797.68

Provided, that the Treasurer of Aiken County is authorized to make such arrangements as he sees fit with the S.P.C.A. with reference to dog tax; and he may accept such proof as he sees fit in lieu of certificates of inoculation. *Provided*, further, that on or before the tenth day of each calendar month the Treasurer of Aiken County shall furnish to each member of the legislative delegation and to the supervisor a statement showing receipts and disbursements of all State, county and school funds for the preceding month, together with a statement showing the purposes for which cash balances are held, and showing the balance of funds on hand for ordinary county purposes. *Provided*, further, that notices be sent out to each taxpayer prior to October 1, 1966.

Item 7. County Auditor:

Salary	\$ 2,922.68
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Provided, that total salary appropriations from State and local funds shall not exceed the sum of \$7,500.00.

Chief Clerk and Deputy Auditor, base pay	4,090.00
Assistant Clerk, base pay	3,375.00
Three Clerk Aids @ \$3,260.00, base pay	9,780.00
Miscellaneous supplies and servicing machines	5,000.00
Board of Equalization	5,000.00
Auditor, travel	600.00
Deputy Auditor, travel	150.00
Extra clerical help, including assistance to municipalities and for preparing auto and boat registration	4,000.00

Total, Item 7	\$ 34,917.68
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Provided, that members of the County Board of Equalization shall each receive as compensation for his services the sum of \$8.00 per day for the time actually engaged and five cents per mile for necessary travel.

Item 8. Adult Education :

Adult School Work	\$ 7,000.00
Special Services	1,000.00

Total, Item 8\$ 8,000.00

Provided, that any balance of the adult school fund unused at the expiration of the fiscal year shall be carried forward and expended on order of the Supervisor of Adult Education.

Item 9. Coroner :

Salary	\$ 3,700.00
Telephone and Supplies	200.00
Expenses of Coroner	820.00
Stenographic services, inquests, as needed	1,000.00

Total, Item 9\$ 5,720.00

Item 10. Juvenile and Domestic Relations Court and

Master in Equity :

Judge, salary	\$ 14,625.00
Chief Clerk, Master & Clerk of Juvenile and Domestic Relations Court, base pay	4,500.00
Probation officer, salary	5,000.00
Probation officer, travel	1,200.00
One Clerk Aid, part-time	2,785.00
Revolving Fund	400.00
Supplies and office expenses	1,500.00
Library allowance	100.00

Total, Item 10\$ 30,110.00

Item 11. County Service Officer :

Salary	\$ 6,600.00
Clerk, salary, base pay	3,260.00
Travel expenses	1,000.00
Postage, stationery, equipment	500.00

Total, Item 11\$ 11,360.00

Item 12. Probate Judge :

Salary	\$ 7,200.00
Chief Clerk, base pay	4,090.00
Clerk Aid, base pay	3,260.00

Clerk Aid, base pay	3,260.00
Supplies and new equipment, if so much be necessary	3,000.00

Total, Item 12	\$ 20,810.00
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Item 13. Magistrates and Constables:

Magistrates:

Aiken (District No. 1)	\$ 5,190.00
Expenses (Magistrate, District No. 1)	600.00
Windsor (District No. 3)	1,055.00
Salley (District No. 4)	1,415.00
Wagener (District No. 5)	1,415.00
Wards (District No. 6)	845.00
Oak Grove (District No. 7)	845.00
Langley (Districts Nos. 10 and 17)	3,370.00
Expenses (Districts Nos. 10 and 17)	600.00
Graniteville (Districts Nos. 8, 9 and 15)	3,370.00
Expenses (Districts Nos. 8, 9 and 15)	600.00
North Augusta (District No. 11)	2,215.00
Expenses (District No. 11)	600.00
Beech Island (District No. 12)	2,215.00
Talatha (District No. 13)	2,215.00
Jackson (District No. 14)	2,215.00
Clearwater (District No. 16)	2,215.00
Expenses (District No. 16)	600.00
Supplies for Magistrates	1,000.00

Constables:

Aiken (District No. 1)	3,520.00
Expenses (District No. 1)	600.00
Windsor (District No. 3)	775.00
Salley (District No. 4)	775.00
Wagener (District No. 5)	1,055.00
Wards (District No. 6)	400.00
Oak Grove (District No. 7)	1,280.00
Graniteville (Districts Nos. 8, 9 and 15)	3,370.00
Expenses (Districts Nos. 8, 9 and 15)	600.00
Langley (Districts Nos. 10 and 17)	3,370.00
Expenses (Districts Nos. 10 and 17)	600.00
North Augusta (District No. 11)	1,965.00
Expenses (District No. 11)	600.00

Beech Island (District No. 12)	915.00
Talatha (District No. 13)	915.00
Jackson (District No. 14)	915.00
Clearwater (District No. 16)	2,170.00
Expenses (District No. 16)	600.00

Provided, that the Magistrate's Constable in the Clearwater District shall also serve as policeman for the community of Belvedere.

Provided, further, that the Magistrate's Constable at Oak Grove (District No. 7) shall also serve as policeman for Oak Grove-Monetta area.

Provided, further, that all Magistrates are directed to serve all of their claim and delivery and attachment proceedings and bad check warrants through and by their respective constables, this provision, however, not to affect the validity of any such process otherwise served.

Total, Item 13\$ 57,005.00

Item 14. Department of Public Welfare:

Chairman of Board	\$ 840.00
Four Board Members (@ \$735.00 each)	2,940.00
Emergency drugs for indigent patients	3,500.00
Emergency Relief	2,500.00

Total, Item 14\$ 9,780.00

Item 15. Cooperative Extension Program:

Salary, County Agent	\$ 600.00
Salary, 3 Assistant and Associate County Agents @ \$360.00 each	1,080.00
Stenographer for County Agent	525.00
Girls' and Boys' 4-H Club Work	500.00
Contingent Fund and Demonstration Supplies for County Agent	200.00
Salary, Home Agent	300.00
Stenographer for Agent and Assistant Agent ..	2,662.54
Home Demonstration Agent, supplies	250.00
Home Demonstration Agent, telephone	250.00
Salary, Associate Home Demonstration Agent ..	777.00

Total, Item 15\$ 7,144.54

Item 16. Mental Health:

Operation of Mental Health Center	\$ 25,000.00
Expenses, Mental Health Commission	1,000.00

Total, Item 16	\$ 26,000.00
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Item 17. Jurors and Witnesses:

All expenses, if so much be necessary	\$ 35,000.00
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Provided, that witnesses for the State in criminal cases shall be paid at the rate of \$3.00 per day and five cents per mile travel; *provided*, further, that any variation from this amount for out-of-State and expert testimony shall be only upon written approval of the Circuit Solicitor; and *provided*, further, that jurors in criminal cases in Magistrate Courts which are impanelled and actually sworn shall be paid \$3.00 each upon certification of the trial magistrate to the County Supervisor.

Total, Item 17	\$ 35,000.00
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Item 18. County Health Department:

Lump sum appropriation	\$ 74,500.00
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Total, Item 18	\$ 74,500.00
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Provided, that a final budget of combined county, State and Federal funds will be completed as soon after the first of July as possible, and a detailed itemization will then be submitted to the delegation and approved before any of the funds are spent.

Item 19. Aiken County Hospital:

All expenses	\$168,000.00
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Total, Item 19	\$168,000.00
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Item 20. Post Mortems, Inquests and Lunacies:

All expenses	\$ 2,000.00
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Total, Item 20	\$ 2,000.00
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Item 21. Public Buildings:

Water, fuel, lights and insurance:

All expenses, if so much be needed\$ 25,000.00

Total, Item 21\$ 25,000.00

Item 22. Court Stenographer for Second Judicial Circuit\$ 300.00

Library and stenographer, Circuit Judge 1,200.00

Extra clerical help as needed—Magistrate, District No. 1, base pay 2,310.00

Salary, County Attorney 1,920.00

County Audit, to be expended by a majority of the Aiken County Legislative Delegation, including the Senator 4,500.00

Provided, that the person employed for the County Audit shall be so employed for the fiscal year commencing July 1, 1966, and ending June 30, 1967, and so far as is practicable he shall maintain a current audit.

Aiken County Library 65,500.00

Provided, that this appropriation shall be deemed to be tentative, and that the final appropriation for the Aiken County Library and all expenditures therefrom, shall be in accordance with a budget prepared by the Aiken County Library Board after taking into account the availability of all funds from all sources, including Federal, State, Aiken County, Bamberg County, Edgefield County and Barnwell County; and *provided*, further, that such budget must be first approved by a majority of the Aiken County Legislative Delegation, including the Senator.

Vital Statistics 600.00

Premium on Officers' Bonds 1,200.00

Aiken Soil Conservation District:

Promotional work and part-time secretarial help 2,000.00

County Employees' Retirement Fund 35,000.00

Expenses, Solicitor, including telephone at courthouse 1,000.00

Salary and expenses, Assistant Solicitor, to be disbursed on authority of Solicitor 5,000.00

Stenographer, Solicitor	1,200.00
Court Crier and other attaches, \$14.00 per day for actual services during court sessions.	
Assistant Clerk of Court, \$18.00 per day for actual work. <i>Provided</i> , that compensation for Court Crier and Assistant Clerk of Court and other court attaches shall be paid out of appro- priation for Jurors and Witnesses.	
Assistant Rabies Control Officer, Salary, base pay	4,960.00
Telephone for Rabies office	60.00
Uniforms, Rabies Control	200.00
Expenses—truck, gas, etc., Rabies Control ...	1,000.00
South Carolina Industrial Commission Insur- ance, if so much be necessary	3,500.00
Expenses, County Forester	876.00
Supplement, County Forest Wardens, four @ \$50.00 per month	2,400.00
Supplement, County Forest Tractor Operators, two @ \$25.00 per month	600.00
Supplement, County Forest Ranger, one @ \$30.00 per month	360.00
Expenses, Circuit Probation Officer, @ \$50.00 per month	600.00
Telephone, Resident S.L.E.D. Officer	120.00
Aid to Warrentville Armory	1,000.00
Aid to Civil Air Patrol	350.00
Telephone, Corporal and Patrolmen, Highway Department	780.00
Sinking Fund Commission	3,000.00
Social Security	22,000.00
Insurance, Police Cars	1,661.86
Artificial Limb (¼)	500.00
Aiken County Historical Commission	800.00
Board of Registration	1,635.00
Total, Item 22	\$168,132.86
Item 23. Burial of Paupers	\$ 800.00
<i>Provided</i> , that contributions for such burial shall be limited to \$25.00 for children and \$50.00 for	

adults, and that such disbursements shall be made by the supervisor only after written certifications that such persons are paupers have been filed in the office of the County Board, such certifications to be made by the Public Welfare Department or by affidavit made by the undertaker interring such deceased.

Total, Item 23	\$ 800.00
Item 24. Aiken County Commission for Higher Education	\$ 20,000.00
Total, Item 24	\$ 20,000.00
Item 25. Civil Defense Program, if so much be necessary <i>Provided</i> , that as soon as practicable after July 1, the Aiken County Director of Civil Defense shall prepare and submit for the approval of a majority of the Aiken County Legislative Delegation, including the Senator, a budget for the expenditure of the above amount and such federal matching funds as are available, and no expenditure shall be made under this item except in accordance with such approved budget.	\$ 8,315.00
Total, Item 25	\$ 8,315.00
Item 26. Planning and Development Commission:	
Director of Research, Salary	\$ 8,100.00
Travel expense of Director of Research	1,800.00
Office Rent	1,200.00
Telephone	900.00
Equipment and furniture	200.00
Office supplies, P. O. Box Rent, Magazine Subscriptions and SCIDA dues	700.00
Contingent Fund, to be disbursed to Commission and expended by it for other miscellaneous expense and purposes	1,000.00
Total, Item 26	\$ 13,900.00

Item 27. Legislative Delegation:

Secretary, Salary	\$ 2,520.00
Office Rent	1,200.00
Telephone, office supplies and other expenses, if so much be necessary	1,800.00
Total, Item 27	\$ 5,520.00

GRAND TOTAL\$1,305,594.76

Provided, that beginning July 1, 1966, the amounts hereinbefore designated as base pay shall be increased as follows:

Any full-time employee of Aiken County, not to include magistrates, constables, elected officials or any employee whose base pay exceeds \$4,960.00, who is entitled to receive as compensation for services rendered as salary designated hereinbefore as base pay, shall receive as additional compensation an amount equal to two per cent of the base pay for each year of full-time service as an employee of Aiken County up to three such years of service, and one per cent of the base pay for each additional year up to a maximum of fourteen such years of service, the maximum additional compensation to be seventeen per cent for fourteen or more such years of service. Such years of service will be determined as of July 1, 1966, and shall not be changed during the fiscal year.

Provided, further, that in computing length of service for those employees of Aiken County engaged in law enforcement, any and all prior service in law enforcement performed in Aiken County by such persons in the course of employment by the State of South Carolina, or any political subdivision thereof, shall be considered as prior service performed while an employee of Aiken County.

Provided, further, that in computing length of service hereunder, any employee of Aiken County who shall have been an employee of Aiken

County at any time during the period from January 1, 1937, through December 31, 1948, and while Aiken County department heads were on a fee basis rather than a salary basis, shall be entitled to credit for service performed during such period, upon the filing with the supervisor and county commissioners of a written, signed statement setting forth in such detail as shall be required by the supervisor and county commissioners, the dates and places of such employment, together with the general nature of duties performed.

Provided, further, that a majority of the Aiken County Legislative Delegation, including the Senator, may make changes or alterations in the terms of this act whenever in their judgment circumstances so justify; and

Provided, further, that a majority of the Aiken County Legislative Delegation, including the Senator, and a majority of the Board of County Commissioners may together by written authorization direct the transfer of any general fund monies in excess of the appropriations hereinbefore made from the General Fund of Aiken County for application to unforeseen emergency situations which might arise in connection with the conduct of the affairs of Aiken County.

Provided, further, all such written authorizations, whether heretofore or hereafter made, are hereby ratified, but such shall not be valid until a copy of same be filed with the clerk of court.

Provided, further, no alterations of the act shall be made by anyone during the year 1966-1967 not herein expressly provided for, and any expenditures in excess of amounts herein provided, if made without the prior written approval of a majority of the Aiken County Legislative Delegation, including the Senator, shall be the personal responsibility of the department head concerned, and shall *ipso facto* constitute sufficient cause for the removal from office, with forfeiture of pay, of such department head.

Provided, further, that all department heads shall comply with the requisition system which has been instituted by the County Board in connection with the purchase of supplies and equipment and no such purchase made without compliance herewith shall be paid for by the County Board.

Less Estimated Revenue other than Taxes:

Delinquent Taxes from Tax Collector	\$ 55,000.00
Fines, Licenses, Fees and Miscellaneous	180,000.00
Gasoline Tax	245,000.00
Insurance License Fees	60,000.00
Alcoholic Liquor Tax	86,000.00
Beer and Wine Tax	22,000.00
Income Tax	115,000.00

Total Revenue Other Than Taxes\$763,000.00

SECTION 2. This act shall take effect upon approval by the Governor.

Approved the 13th day of June, 1966.

(R1420, H2697)

No. 1177

An Act To Amend Act 501 Of 1965, Relating To The Issuance Of General Obligation Bonds In Aiken County For The Construction Of A Jail At The Aiken County Stockade, So As To Provide Instead For The Purchase Of Real Estate For The Construction Of Such Jail.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 1 of Act 501 of 1965 amended—purchase of real estate for construction of jail.—Section 1 of Act 501 of 1965 is amended on line seven by striking “at the Aiken County stockade” and inserting in lieu thereof “and purchase of real estate therefor”. The section when amended shall read as follows:

“Section 1. The General Assembly finds, after due investigation, that there is an immediate need for capital expenditures in Aiken County for the following purposes:

(1) Improvements and repairs to the Aiken County Courthouse, improvements to and conversion of the Aiken County Jail to other county purposes, construction of new jail and other facilities and purchase of real estate therefor, construction of an addition to the parking lot at the Aiken County Courthouse, microfilming certain records in the office of the Aiken County Clerk of Court, mechanization of certain operations in the offices of the Aiken County Clerk of Court and Auditor, and other necessary capital improvements in connection with other public buildings owned by Aiken County. It is estimated that the cost will be approximately three hundred ninety-five thousand dollars;

(2) Improvements to the Aiken County Center of the University of South Carolina. It is estimated that the cost will be approximately twenty-five thousand dollars;

(3) Road and highway drainage program. It is estimated that the cost will be approximately forty thousand dollars;

(4) A program by which each and every parcel of real property in Aiken County will be photographed, mapped and valued, in order that upon the completion of the program all real property in Aiken County shall be assessed in a manner conformable to the applicable constitutional and statutory provisions controlling the assessment of property. It is estimated that the cost of this program will be three hundred thirty thousand dollars; and

(5) For the reclamation of an area of swamp land, owned by Aiken County (having been recently donated to Aiken County), near Clearwater in Aiken County, in order that it may be hereafter used as a site for public buildings and other county purposes. It is estimated that the cost of this project will amount to fifty thousand dollars.

On the basis of these findings the General Assembly has determined to permit the County Board of Aiken County, established by Section 14-752, Code of Laws of South Carolina, 1962, (the county board) to raise eight hundred forty thousand dollars through the issuance of the bonds by this act.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 8th day of June, 1966.

(R769, H2009)

No. 1178**An Act To Authorize The Treasurer Of Allendale County To Pay For Repairs To County Road Machinery.**

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Allendale County to pay for repairs to road machinery.—The Treasurer of Allendale County is authorized to pay nine thousand seven hundred dollars, or so much thereof as is necessary, for repairs to the county road machinery.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 16th day of February, 1966.

(R883, H2144)

No. 1179**An Act Providing For The Creation Of Watershed Conservation Districts In Allendale County, And The Election Of Directors Of Watershed Conservation Districts And Their Powers And Duties; And Providing For A Levy Of Taxes For The Organization And Administration Of Such Districts, And For The Construction, Operation And Maintenance Of Works Of Improvement Within Such Districts.**

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Definitions.—Whenever used or referred to in this act, unless a different meaning clearly appears from the context :

(1) "Watershed conservation district" means a governmental subdivision of this State, and a public body corporate and politic, organized in accordance with the provisions of this act, for the purposes, with the powers, and subject to the restrictions hereinafter set forth.

(2) "Director" means one of the members of the governing body of a watershed conservation district, elected in accordance with the provisions of this act.

(3) "Supervisor" means one of the members of the governing body of the Allendale Soil Conservation District in which any part of a watershed conservation district is situated.

(4) "Petition" means a petition filed under the provisions of Section 4 of this act for the creation of a watershed conservation district.

(5) "County" means Allendale County of South Carolina.

(6) "Landowner" or "owner of land" includes any person, firm or corporation who shall hold legal or equitable title to any lands lying within a watershed conservation district organized under the provisions of this act.

(7) "Due notice" means notice published at least twice, with an interval of at least one week between the two publication dates, in a publication of general circulation within the appropriate area, or, if no such publication of general circulation be available, notice posted at a reasonable number of conspicuous places within the appropriate area, such posting to include, where possible, posting at public places where it is customary to post notices concerning county or municipal affairs generally.

SECTION 2. Watershed conservation districts may be formed in Allendale County.—Authority is hereby granted to form watershed conservation districts within Allendale County for the purpose of developing and executing plans and programs relating to any phase of the control and prevention of soil erosion, flood prevention, or the conservation, development, utilization, and disposal of water.

SECTION 3. Area.—The area embraced in a watershed conservation district must be contiguous and must lie within a well-defined watershed; and such area shall not include lands located within the boundary of any incorporated city or town, or lands embraced in another watershed conservation district.

SECTION 4. Petition for formation.—When twenty-five or more landowners within a proposed watershed conservation district, or, if less than fifty landowners are involved, a majority of such landowners, desire to form a watershed conservation district, they shall file a petition with the supervisors of the soil conservation district asking that a watershed conservation district be organized to function in the area described in the petition. Such petition shall set forth the proposed name of the watershed conservation district; that there is need, in the interest of the public health, safety, and welfare, for a watershed conservation district to function in the territory described in the petition; a description of the territory proposed to be organized as a watershed conservation district, which description need not be given by metes

and bounds or by legal subdivisions, but shall be deemed sufficient if generally accurate; and the approximate number of acres of land included in the proposed watershed conservation district.

SECTION 5. Hearing on petition.—(1) Within thirty days after such petition has been filed with the supervisors of the soil conservation district, they shall cause due notice to be given of a hearing upon the question of the desirability and necessity, in the interest of the public health, safety, and welfare, of the creation of such watershed conservation district. All interested parties shall have the right to attend such hearing and to be heard. If it shall appear at the hearing that other lands should be included in the petition or that lands included in the petition should be excluded, the supervisors shall permit such inclusion or exclusion, provided the land area involved still meets the requirements of Section 3 of this act.

(2) If it appears upon the hearing that it may be desirable to include within the proposed watershed conservation district territory outside of the area within which due notice of the hearing has been given, the hearing shall be adjourned and due notice of a further hearing shall be given throughout the entire area considered for inclusion in the proposed watershed conservation district, and such further hearing shall be held. After final hearing, if the supervisors of the soil conservation district determine, upon the facts presented at the hearing and upon other available information, that there is need, in the interest of the public health, safety, and welfare, for a watershed conservation district to function in the territory considered at the hearing, they shall make and record such determination, and shall define the area, but the description need not be given by metes and bounds. The description shall be deemed sufficient if generally accurate and the approximate number of acres of land included in the proposed watershed conservation district is shown.

(3) If the supervisors of the soil conservation district determine after such hearing that there is no need for a watershed conservation district to function in the territory considered at the hearing, they shall make and record such determination and shall deny the petition.

SECTION 6. Referendum.—After the supervisors of the soil conservation district have made and recorded a determination that there is need, in the interest of the public health, safety, and welfare, for a watershed conservation district to function in the territory considered at the hearing, and have defined the boundaries thereof, they shall consider the question whether the operation of a watershed conservation

district within the proposed boundaries with the powers conferred upon it by this act is administratively practicable and feasible. To assist the supervisors in making this determination, they shall, within a reasonable time after the entry of a finding that there is need for the organization of a watershed conservation district and the determination of the boundaries thereof, hold a referendum within the proposed watershed conservation district upon the proposition of the creation of the watershed conservation district. Due notice of the referendum shall be given by the supervisors. Such notice shall state the date of holding the referendum, the hours of opening and closing the polls, and shall designate one or more places within the proposed watershed conservation district as polling places and shall give notice that the directors shall have the power of eminent domain. The supervisors shall have full charge of the referendum and shall have suitable ballots printed and furnished to each polling place; appoint necessary box managers and other referendum officials, and shall canvass the referendum and announce the results. The cost of holding the referendum shall be paid from the general fund of Allendale County. *Provided*, that notwithstanding any provision of law to the contrary the power of eminent domain shall not be exercised over the protest of any landowner until it is conclusively established that the land proposed to be condemned is absolutely essential to the creation and operation of the watershed conservation district.

SECTION 7. Question.—The question to be voted on shall be submitted by ballots upon which appear the words:

“For creation of _____ Watershed Conservation District”

“Against creation of _____ Watershed Conservation District”

A square shall follow each proposition. The ballot shall contain a direction to insert an “X” mark in the square following one or the other of the propositions as the voter may favor or oppose creation of the watershed conservation district. The ballot shall set forth the boundaries of the proposed watershed conservation district as determined by the supervisors of the soil conservation district. No one except owners of lands lying within the boundaries of the proposed watershed conservation district, as determined by the supervisors of the soil conservation district, shall be eligible to vote in the referendum. Qualified voters may vote by absentee ballot in the referendum under such rules and regulations as may be prescribed by the supervisors. No informalities in the conduct of the referendum or in any matters relating thereto shall invalidate the referendum or the result

thereof if notice of the referendum shall have been given substantially as herein provided and the referendum shall have been fairly conducted.

SECTION 8. Results—district to be created if results and determination favorable.—The votes shall be counted by the referendum officials at the close of the polls and a report of the results along with the ballots shall be delivered and certified to the supervisors of the soil conservation district; and thereafter the supervisors shall determine whether the operation of the watershed conservation district within the defined boundaries is administratively practicable and feasible. If the supervisors determine that the operation of such district is not administratively practicable and feasible, they shall record such determination and deny the petition. If the supervisors determine that the operation of such district is administratively practicable and feasible, they shall record such determination and shall proceed with the organization of such district in the manner hereinafter set forth; *provided*, however, that the supervisors shall not have authority to determine that the operation of such district is administratively practicable and feasible unless at least a majority of the votes cast in the referendum upon the proposition of the creation of such district shall have been cast in favor of the creation of such district. If the supervisors shall determine that the operation of such district is administratively practicable and feasible, they shall certify such determination to the clerk of Court of Allendale County and to the Secretary of State. Upon proper recordation of such determination, such watershed conservation district shall constitute a governmental subdivision of this State and a public body corporate and politic. After being recorded, such certification shall be filed with the State Soil Conservation Committee.

SECTION 9. Board of directors to govern district—nominating petitions—election—ballots—terms—officers—bond of treasurer.

—(1) The governing body of the watershed conservation district shall consist of five directors, elected as provided herein.

(2) Within thirty days after a watershed conservation district has been created, nominating petitions may be filed with the supervisors of the soil conservation district to nominate candidates for directors of the watershed conservation district. No such nominating petition shall be accepted by the supervisors unless it is signed by twenty-five or more landowners within the watershed conservation district, or, if

less than fifty landowners are involved, by a majority of such landowners. If the candidates nominated do not exceed the number of directors to be chosen, the supervisors shall declare them to be elected. No person shall be eligible to be a director of a watershed conservation district who is not a landowner in the watershed conservation district in which he seeks election.

(3) If the candidates nominated for directors of the watershed conservation district exceed the number of directors to be chosen, the supervisors of the soil conservation district shall, after having given due notice thereof, cause an election to be held within the watershed conservation district within a reasonable time after the expiration of the nominating period. The provisions of Sections 5, 6 and 7 of this act as to notice, qualification of voters, absentee voting, and the manner of holding the referendum in organizing a watershed conservation district, shall apply insofar as practicable to the election of the directors. The names of all qualified nominees shall be printed in alphabetical order upon ballots with a square before each name and a direction to insert an "X" mark in the square before any five names to indicate the voter's preference. Only landowners within the watershed conservation district shall be eligible to vote in the election. The five candidates who shall receive the largest number respectively of the votes cast in the election shall be the directors of the watershed conservation district, and shall, upon the supervision of the supervisors of the soil conservation district, be the governing body of the watershed conservation district.

(4) Of the directors first elected, the two receiving the largest number of votes shall serve for terms of four years, the two receiving the next largest number of votes shall serve for terms of three years, and the one receiving the next largest number of votes shall serve for a term of two years. The term of office of each of their successors shall be for four years, and until their successors have been appointed or elected and qualify. Vacancies shall be filled in the manner of the original appointment for the unexpired portion of the term only.

(5) The directors shall annually designate from among their number a chairman, secretary, and treasurer. The treasurer shall execute an official bond for the faithful performance of the duties of his office, to be approved by the directors. Such bond shall be executed by a surety company authorized to do business in this State and shall be in an amount determined by the directors. The premium on each bond shall be paid by the watershed conservation district.

SECTION 10. District to be corporate body—powers and duties.

—A watershed conservation district organized under the provisions of this act shall constitute a governmental subdivision of this State, and a public body corporate and politic, exercising public powers, and such district and the directors thereof shall, subject to the approval of the supervisors of the soil conservation district, have the following powers, in addition to others granted in other sections of this act:

(1) To acquire, by purchase, exchange, lease, gift, grant, bequest, devise, or otherwise, or through condemnation proceedings in the manner provided in Sections 25-101 through 25-140 and Sections 33-121 through 33-148, Code of Laws of South Carolina, 1962, such lands, easements or rights-of-way as are needed to carry out any authorized purpose of the watershed conservation district; and to sell, lease, or otherwise dispose of any of its property or interests therein in furtherance of the purposes and provisions of this act;

(2) To construct, reconstruct, repair, enlarge, improve, operate, and maintain such works of improvement as may be necessary or convenient for the performance of any of the operations authorized by this act;

(3) To borrow money and to execute promissory notes and other evidences of debt in connection therewith for payment of the costs and expenses of organizing the watershed conservation district or for carrying out any authorized purpose of such district, and if promissory notes are issued, to execute such mortgages on any property owned by such district, or assign or pledge such revenues or assessments of such district as may be required by the lender as security for the repayment of the loan; and to issue, negotiate, and sell its bonds as provided in Section 11 of this act;

(4) To levy an annual tax on the real property within the district subject to the limitations provided in Section 13 of this act for payment of the costs and expenses of organizing the watershed conservation district or for carrying out any authorized purpose of such district. Such levy shall be made only after approval by the supervisors of the soil conservation district and upon notifying the county auditor.

(5) Where watersheds cross county or state lines, the watershed directors are authorized to work with similar organizations in determining cost sharing to solve common problems.

SECTION 11. Bonds not to be issued unless referendum held.—

(1) Bonds authorized by Section 10 of this act shall not be issued

until proposed by order or resolution of the directors of the watershed conservation district, specifying the purpose for which the funds are to be used and the proposed undertaking, the amount of bonds to be issued, the rate of interest they are to bear, and the amount of any necessary tax levy in excess of the maximum authorized in Section 13 of this act. A copy of the order or resolution shall be certified to the supervisors of the soil conservation district.

(2) The supervisors shall hold a hearing on such proposal after having given due notice. If it appears that the proposal is within the scope and purpose of this act and meets all other requirements of the law, the proposal shall be submitted to the landowners of the district by a referendum held by the supervisors.

(3) The provisions of Sections 5, 6 and 7 of this act as to notice, qualifications of voters, absentee voting, and manner of holding the referendum in organizing a watershed conservation district shall apply to the referendum held under this section.

(4) If two-thirds of the votes cast in such referendum favor the proposal, the directors shall, with the approval of the supervisors, be authorized to issue such bonds.

SECTION 12. Compensation.—The directors of the watershed conservation district shall receive no compensation for their services, but they may be reimbursed for expenses, including traveling expenses, necessarily incurred in the performance of their duties as approved by the supervisors of the soil conservation district.

SECTION 13. Budget—tax levy.—Within the first quarter of each calendar year, the directors of the watershed conservation district shall prepare an itemized budget of the funds needed for administration of the watershed conservation district and for construction, operation and maintenance of works of improvement. After approval of such budget by the supervisors of the soil conservation district, the county auditor shall levy a tax sufficient to meet such budget on all real property within the watershed conservation district of not to exceed five mills on each dollar of assessed valuation, except that this limitation shall not apply to any levy necessary to provide a sinking fund for the retirement of bonds authorized by Section 11 of this act. A copy of such budget shall be certified to the Auditor of Allendale County.

SECTION 14. List of landowners and acres subject to assessment.—(1) The directors of the watershed conservation district, with the assistance of the county auditor, shall prepare a list of the

landowners involved showing the number of acres subject to assessment.

(2) When the property tax rolls are delivered to the county treasurer by the county auditor, as required by law, the county treasurer shall compute the tax due the watershed conservation district from each landowner in accordance with the rate fixed by the directors and the value of the real property indicated on the tax roll. The computation shall be made on the regular tax bills.

SECTION 15. Collection of taxes.—(1) The county treasurer shall collect the taxes due the watershed conservation district at the same time and in the same manner as he collects other taxes of the county.

(2) The taxes shall be subject to the same due and delinquency dates, discounts, penalties and interests as are applied to the collection of county taxes.

SECTION 16. Expenditures.—Tax funds collected shall be transferred to and held by the treasurer of the watershed conservation district for the specific purpose for which they have been collected. All expenditures of such funds shall be made by the directors of the watershed conservation district with the approval of the supervisors of the soil conservation district.

SECTION 17. Petition to have lands detached.—The owners of lands which have not been, are not and cannot be benefited by their inclusion in the watershed conservation district may petition the supervisors of the soil conservation district to have such lands detached. The petition shall describe such lands and state the reasons why they should be detached. A hearing shall be held by the supervisors within thirty days after the petition is filed and due notice of such hearing shall be given by the supervisors. If it is determined by the supervisors that such lands shall be detached, such determination shall be certified to the Auditor of Allendale County for recording. After being recorded, the certification shall be filed with the State Soil Conservation Committee.

SECTION 18. Petition for discontinuance of district—hearing—referendum—discontinuance if election and determination favorable.—(1) At any time after five years after the organization of a watershed conservation district, twenty-five or more landowners within such district, or if less than fifty landowners are involved, a majority of such landowners, may file a petition with the supervisors of the soil conservation district asking that the

existence of the watershed conservation district be discontinued. The petition shall state the reasons for discontinuance, and that all obligations of the watershed conservation district have been met. The supervisors may conduct such hearings upon the petition as may be necessary to assist them in the consideration thereof.

(2) Within sixty days after such petition has been filed with the supervisors they shall give due notice of the holding of a referendum. The supervisors shall hold such referendum substantially as provided for in Section 11 of this act. The question shall be submitted by ballots upon which the words "For terminating the existence of the—Watershed Conservation District" and "Against terminating the existence of the Watershed Conservation District" shall be printed, with a square before each proposition and a direction to insert an "X" mark in the square before one or the other of the propositions as the voter may favor or oppose the discontinuance of such watershed conservation district. Only landowners within the watershed conservation district shall be eligible to vote in such referendum. No informality in the conduct of the referendum or in any matters relating thereto shall invalidate the referendum or the results thereof if notice of the referendum shall have been given substantially as herein provided and the referendum shall have been fairly conducted.

(3) The supervisors shall publish the results of the referendum and shall thereafter determine whether the continued operation of the watershed conservation district is administratively practicable and feasible. If the supervisors determine that the continued operation of the watershed conservation district is administratively practicable and feasible, they shall record such determination and deny the petition. If the supervisors determine that the continued operation of the watershed conservation district is not administratively practicable and feasible, they shall record such determination and shall certify such determination to the directors of the watershed conservation district; *provided*, however, that the supervisors shall not be authorized to determine that the continued operation of the watershed conservation district is administratively practicable and feasible unless at least a majority of the votes cast in the referendum shall have been cast in favor of the continuance of the watershed conservation district.

(4) Upon receipt from the supervisors of a certification that they have determined that the continued operation of the watershed con-

servation district is not administratively practicable and feasible, the directors shall forthwith proceed to terminate the affairs of the watershed conservation district. A copy of the determination shall be certified to the Auditor of Allendale County for recording. After being recorded, the certification shall be filed with the State Soil Conservation Committee.

SECTION 19.—Supervisory authority if district discontinued.—

If the Allendale County Soil Conservation District is discontinued, all supervisory authority over the affairs of the watershed conservation district which was previously exercised by the supervisors shall thereafter be exercised by the governing body of Allendale County.

SECTION 20. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 18th day of March, 1966.

(R1105, S685)

No. 1180

An Act To Authorize The Governing Body Of Allendale County To Borrow Not To Exceed Fifty Thousand Dollars For The Purpose Of Remodeling The County Courthouse And The University Extension School Building, And To Provide For The Payment Thereof.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Allendale County may borrow money.—The governing body of Allendale County is authorized to borrow not to exceed fifty thousand dollars, thirty thousand dollars of which shall be used for remodeling the County Courthouse, and twenty thousand dollars of which shall be used for remodeling the University Extension School Building. The amount so borrowed shall be evidenced by notes to be executed by the chairman of the governing body of the county and the county treasurer, and shall bear interest not to exceed four per cent, and shall be payable at such times and on such dates and in such instalments as may be mutually determined between the governing body of the county and the lender.

SECTION 2. Payment.—In order to provide for the payment of the loan, and interest thereon, the auditor of the county shall levy, and the

treasurer shall collect, a tax upon all the taxable property of the county sufficient to retire the loan, plus interest, in accordance with the terms agreed upon between the borrower and the lender. After the entire loan has been repaid, the tax shall no longer be levied.

SECTION 3. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 4th day of May, 1966.

(R1348, H2602)

No. 1181

An Act To Provide For The Levy Of Taxes For Allendale County For School And County Purposes For The Fiscal Year Beginning July 1, 1966, And Ending June 30, 1967; To Provide For The Expenditure Thereof; To Provide For The Amount Of Fees And Expenses To Be Allowed For County Offices; To Provide For The Fees To Be Charged By The Clerk Of Court; And To Provide For The Disposition Of Revenue To Be Derived From Current Levies, Contributions, Revenues, Forfeited Land And Delinquent Tax Executions.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. The County Auditor of Allendale County is hereby directed to levy a tax upon all the taxable property of Allendale County for the fiscal year 1966-1967 in a sufficient number of mills to provide for the payment of the items and expenditures hereinafter set forth.

SECTION 2. The following amounts are hereby appropriated for the fiscal year 1966-1967 :

(A) Roads and Bridges :

(1) Chain Gang and maintenance of road work, salary of guard, material, lumber, and all ex- penses, repairs of roads and bridges	\$ 24,000.00
	<hr/>
	\$ 24,000.00

(B) Salaries :

(1) Clerk of Court	\$ 1,695.00
Expenses, in full for the year	300.00

(2) Sheriff	5,880.00
Expenses—including all maintenance and operation expenses for office and automobiles, in full for the year	1,800.00
Deputy Sheriff	3,810.00
Expenses—including all maintenance and operation expenses for office and automobiles, in full for the year	1,800.00
Police Radio Operator	630.00
<i>Provided</i> , that the Deputy Sheriff shall be appointed by the Sheriff and shall serve at the pleasure of the Sheriff. <i>Provided</i> , further, that the salary and other compensation herein fixed for the Sheriff's office is intended for and shall be in lieu of all fees to which he is entitled under the law from the county for any and all services performed by him of whatever nature or kind. In the event he travels out of the county by way of train, plane or bus, he shall be allowed actual train, plane or bus fare, and actual cost of meals and lodging.	
(3) Treasurer	1,995.00
(4) Auditor	1,995.00
(5) Judge of Probate	1,695.00
Expenses—in full for the year	300.00
<i>Provided</i> , that the salary for the Judge of Probate is in lieu of all fees to which he is entitled under the law from the county.	
(6) Superintendent of Education—Expenses, 1966-1967	1,260.00
<i>Provided</i> , that the county board of directors is hereby directed to transfer in a lump sum the appropriation for the county superintendent's office to the county board of education fund. The purpose of this transfer is to put the county superintendent's salary and expenses on the school payroll rather than the county payroll.	
(7) Attorney—retainer	600.00

Provided, the county attorney shall advise the tax collector, when called on, in all matters pertaining to the collection of delinquent taxes.

- (8) Coroner 700.00

Provided, that the salary herein provided for coroner shall be in lieu of all fees to which he is entitled from the county for any service whatsoever.

- (9) Tax Collector 3,600.00

Provided, the Tax Collector shall charge and retain a fee of one dollar on each delinquent tax execution.

- (10) Courthouse Stenographer, Salary 3,330.00

- (11) Janitor for Courthouse and Memorial Building 1,750.00

\$ 33,140.00

(C) County Health Department:

- (1) Expenses, County Health Nurse\$ 660.00

- (2) Operating Expenses 3,224.00

- (3) T. B. Inspection Work 400.00

\$ 4,284.00

(D) Magistrates and Constables:

Magistrates:

Allendale and Bull Pond\$ 1,900.00

Fairfax 1,900.00

Sycamore Township 800.00

Constables:

Allendale and Bull Pond Number 1 1,000.00

Fairfax Number 1 1,000.00

Sycamore Township 275.00

Allendale and Bull Pond Number 2 750.00

Fairfax Number 2 750.00

\$ 8,375.00

Provided, that the salaries herein appropriated for magistrates and constables are in lieu of all fees payable by the county to which they, or either of them, be entitled; *provided*, further, that magistrates and constables shall give bonds

in the sum of five hundred dollars conditioned upon the faithful performance of their duties.

(E) County Boards:

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| (1) Board of Equalization | \$ 300.00 |
| (2) County Board of Directors, four at thirty-five dollars per month | 1,680.00 |
| Clerk to County Board of Directors—salary ... | 4,000.00 |
| <i>Provided, that the person filling the above position shall be required to give a surety bond in the sum of one thousand dollars, premium on same to be paid by the county.</i> | |

\$ 5,980.00

(F) Jail:

- | | |
|----------------------------------------------------|--------------|
| (1) Expenses, dieting of prisoners and maintenance | \$ 11,000.00 |
| (2) Jailer, salary | 1,200.00 |
| Expenses | 400.00 |

\$ 12,600.00

(G) Court Expenses:

- | | |
|--------------------------------------------------------|-------------|
| (1) Jurors and witnesses, and Sheriff's fee for notice | \$ 1,500.00 |
|--------------------------------------------------------|-------------|

\$ 1,500.00

(H) Department of Public Welfare, if so much be necessary

\$ 1,200.00

\$ 1,200.00

(I) Public Buildings, including water, fuel, light and insurance, if so much be necessary

\$ 7,500.00

\$ 7,500.00

(J) Printing, Postage and Stationery, Telephone and Telegraph

\$ 7,000.00

\$ 7,000.00

(K) County Hospital, if so much be necessary

\$ 10,000.00

\$ 10,000.00

(L) Miscellaneous:	
(1) Vital Statistics	\$ 280.00
(2) Publishing Monthly Report	300.00
(3) Rent, Government Farm Office	180.00
(4) Premium on bonds, including constables	800.00
(5) Post mortems, Inquests and Lunacies	900.00
(6) Regional Library	2,740.00
(7) Fairfax Library	450.00
(8) County Library	800.00
(9) Girls' 4-H Club Work	150.00
(10) Boys' 4-H Club Work	75.00
(11) Expenses, Home and County Demonstration Agent	350.00
(12) Clerk to County Agent, salary	900.00
(13) Clerk to Home Demonstration Agent, salary ..	900.00
(14) Part salary, Associate Home Demonstration Agent	480.00
(15) County Agent, Salary Supplement	600.00
(16) Assistant County Agent, Salary Supplement ..	300.00
(17) Attendance Teacher Scholarship Fund	100.00
(18) Retirement Contribution, Social Security and Police Retirement Annuity	6,000.00
(19) Workmen's Compensation and Liability Insurance	800.00
(20) Service Officer, Office Expense	600.00
(21) Civil Defense	5,000.00
(22) Janitorial Supplies	400.00
(23) Allendale County Development Board	3,000.00
(24) Allendale Soil and Water Conservation District ..	200.00
(25) Extension of University of South Carolina	3,000.00
	<hr/>
	\$ 29,305.00
(M) National Guard, if so much be necessary, as follows:	
(1) Maintenance	\$ 2,000.00
	<hr/>
	\$ 2,000.00
(N) Audit of county funds, including magistrates ..	\$ 2,200.00
	<hr/>
	\$ 2,200.00

(O) Contingent Fund\$ 15,000.00

\$ 15,000.00

Provided, that all expenditures from the contingent fund shall be subject to the written approval of the legislative delegation.

GRAND TOTAL\$164,084.00

Less Estimated Revenue other than taxes:

Commutation Road Tax\$ 1,500.00

Fines and Licenses 19,000.00

Income Tax 18,000.00

Gasoline Tax 55,000.00

Liquor Tax 12,000.00

Beer and Wines 3,000.00

Insurance, Bank and Miscellaneous 9,000.00

Cost of Tax Executions 1,500.00

Total, Estimated Revenue\$119,000.00

AMOUNT TO BE RAISED BY

TAXATION\$ 45,084.00

SECTION 3. The amount of commutation tax which shall hereafter be levied in Allendale County shall be the sum of two dollars per person subject to such tax. Persons actually in the armed service of the country shall, during such service, be exempt from payment of such road tax.

SECTION 4. The costs and expenses of the levy, advertising and sale of lands heretofore or hereafter purchased by the Forfeited Land Commission, under tax sale, shall be paid by the treasurer on warrants of the county board, approved by the county delegation, out of any funds available therefor; *provided*, that the proceeds of the sale of lands sold by the Forfeited Land Commission shall be chargeable with all such costs and expenses, and, if such claims are paid from funds not so realized, then all amounts paid from the general county fund shall be replaced from sales of land when made by the Forfeited Land Commission.

SECTION 5. The sums hereinabove appropriated shall be used only if so much be necessary as to each item hereinabove provided

for; *provided*, that any unexpended balance of any appropriation for any particular item may be applied to any other item, or items, for which the amount appropriated is insufficient, or may be used for such other expenditures as shall be approved in writing by the legislative delegation.

SECTION 6. In anticipation of the collection of taxes herein provided for, the county board of directors and the treasurer, with the approval of the legislative delegation, are authorized and empowered to borrow on the credit of the county such sums as are necessary to carry out the provisions of this act, and to pledge current taxes in payment therefor. Such obligations shall be signed by the treasurer and the chairman of the county board of directors, attested by the clerk of such board.

SECTION 7. The sheriff is authorized to empower such trusty convict labor as he may deem desirable in the care and maintenance of the county jail and premises. The county board of directors is hereby authorized to repay all municipalities of the county for chain gang labor received through the courts of such municipalities by work of the county chain gang upon the streets and drainage of the municipalities. *Provided*, that such municipalities shall pay for the dieting of all prisoners while so engaged in work upon the streets or drainage of such municipalities, and shall be liable for any damage to persons or property caused by the use of such convict labor and machinery, and the county shall not in any way be responsible for such damage.

SECTION 8. Whenever it shall be necessary to meet the expenses of foreclosing of any real estate mortgage owned by or pledged with the county, or to buy in such property on behalf of the county, the payment of such expense shall be made from the contingent fund, or other available funds, and the rents received from such property shall be carried to the general county fund, or restored to the contingent fund, in the discretion of the legislative delegation. Such property may be sold by the county board on the written approval of the legislative delegation, the proceeds of sale to be applied to such account or placed in such fund as the legislative delegation may direct, or as provided in Section 4 of this act.

SECTION 9. The legislative delegation is hereby granted full power and authority to appropriate such additional sums as in its

discretion may be deemed necessary for any purpose not herein provided.

SECTION 10. The fee that may be charged by the Clerk of Court for Allendale County for the recording, filing, indexing, and/or registering of any mortgage or other instrument conveying a lien on crops growing or to be grown and/or personal property and made to any corporation organized under the Act of Congress, known as the Farm Credit Act of 1933, a Regional Agricultural Credit Corporation, a Federal Intermediate Credit Bank, or any other corporation which rediscounts notes or other obligations with or procures loans from a Federal Intermediate Credit Bank, the Reconstruction Finance Corporation, or the Government of the United States or any department, agency, instrumentality, or officer thereof, shall be one dollar; *provided*, that a copy or duplicate of such instruments be furnished to the recording officer. Allendale County is specifically excepted from the provisions of Sections 27-60, 27-61, 27-66, 60-2 and 60-303 of the Code of 1962; *provided*, further, that in addition to the fee hereinabove fixed for recording chattel mortgages, the Clerk of Court for Allendale County may charge an additional fee of twenty-five cents, when he is required to search the records before recording any such mortgage. *Provided*, further, that notwithstanding Section 27-52 of the Code of 1962, in Allendale County the clerk of court shall receive for recording deeds without dower a fee of two dollars; deeds with dower a fee of two dollars and twenty-five cents; chattel mortgages a fee of one dollar and fifty cents; and chattel mortgages with assignment a fee of two dollars.

SECTION 11. All supplies of every kind and nature needed by the county officers and employees of Allendale County shall be purchased by the purchasing agent of the county. Supplies purchased in violation of the provisions of this act shall be the liability of the individual so purchasing, and shall not be the liability of the county.

SECTION 12. It shall be unlawful for the County Directors of Allendale County to issue any voucher for the salary of any officer herein provided for before the end of the month that such officer is entitled to receive such salary. All salaries are to be paid on a monthly basis.

SECTION 13. Before the county directors shall issue a voucher to any magistrate of Allendale County for his salary, such magistrate

shall present his docket to the county board of directors, showing the disposition of all cases handled by him during each month, and also present to the county directors a receipt or receipts from the county treasurer for all fines imposed by the magistrate.

SECTION 14. The Forfeited Land Commission of Allendale County is hereby authorized, empowered and directed to rent all property owned and held by the Forfeited Land Commission of Allendale County and pay the proceeds of all rents so collected to the county treasurer in accordance with the provisions of law now existing, and no fees shall be charged for such services by the Forfeited Land Commission nor by the tax collector.

SECTION 15. The sums herein appropriated as compensation for the county board of directors shall be in lieu of any expense which they incur in inspection of the various county roads, which inspections shall be made semimonthly by the directors.

SECTION 16. Of the amount appropriated as salaries for municipal law enforcement officers and county law enforcement officers in Allendale County, the sum of five dollars per day for each such officer is hereby designated as subsistence for each day of active duty from July 1, 1957.

SECTION 17. This act shall take effect upon approval by the Governor.

Approved the 1st day of June, 1966.

(R1027, H2418)

No. 1182

An Act To Make Appropriations For The Operating Expenses Of Anderson County For The Fiscal Year 1966-1967, And To Provide For The Expenditure Thereof.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. A tax of sufficient mills to pay the appropriations for Anderson County hereinafter made for the fiscal year beginning July 1, 1966, and ending June 30, 1967, after crediting against the appropriation all other revenue anticipated to accrue to the county during the fiscal year, is hereby levied upon all the taxable property of Anderson County. The amount of millage shall be determined

by the county auditor and approved by at least one Senator from Anderson County and a majority of the members of the House of Representatives from Anderson County.

SECTION 2. There is hereby appropriated for Anderson County for the fiscal year beginning July 1, 1966, and ending June 30, 1967, the following sums of money to be expended for the purposes herein set forth (including a ten per cent increase for all county employees), subject to the provisions contained in this act, in amounts as follows:

ITEM A. (1) Convicts, roads, bridges, improvements (including camps) and machinery	\$500,000.00
(2) Trash dumps (two in each school district) ..	10,000.00
Total, Item A	\$510,000.00
ITEM B. Public buildings, utilities, maintenance, sup- plies, property insurance and courthouse jani- tor	\$ 41,000.00
Total, Item B	\$ 41,000.00
ITEM C. County Jail:	
(1) Jailors, 4 @ \$4,919.00 each and 3 @ \$4,237.00 each	32,387.00
(2) Jail expense	15,000.00
(3) Matron (Subject to Section 3 (2))	3,520.00
Total, Item C	\$ 50,907.00
ITEM D. Probate Judge:	
(1) Probate Judge	\$ 7,370.00
(2) Clerk	4,966.00
(3) Assistant Clerk (Subject to Section 3 (2)) ..	3,520.00
Total, Item D	\$ 15,856.00
ITEM E. Public Offices:	
(1) Books, stationery, insurance, etc.	\$ 32,500.00
(2) Workmen's Compensation Insurance	4,500.00
(3) Retirement for County employees	38,000.00
(4) Social Security	25,000.00
(5) Exchange charges	200.00
Total, Item E	\$100,200.00

ITEM F. Education:

Superintendent of Education\$ 1,648.00

Total, Item F\$ 1,648.00

ITEM G. County Health Department\$ 95,000.00

Total, Item G\$ 95,000.00

ITEM H. Clerk of Court:

(1) Clerk\$ 7,370.00

(2) Chief Deputy Clerk 4,966.00

(3) Clerk 3,932.00

(4) Clerk 3,932.00

(5) Clerk 3,932.00

(6) Clerk (Subject to Section 3 (2)) 3,520.00

(7) Clerk (Subject to Section 3 (2)) 3,520.00

(8) Clerk (Subject to Section 3 (2)) 3,520.00

Total, Item H\$ 34,692.00

ITEM I. Sheriff's Office:

(1) Sheriff\$ 7,370.00

(2) Special Deputy 5,626.00

(3) Twenty-one Deputies @ \$4,919.00 each 103,299.00

(4) Travel expense 16,000.00

(5) Clerical help (Subject to Section 3 (2)) 3,520.00

(6) Miscellaneous 1,000.00

(7) Radio Engineer's Salary 1,908.00

(8) Radio Maintenance 4,000.00

(9) Travel for deputies serving papers 3,000.00

(10) Uniform allowance (22 deputies, 6 jailors, 1
clerk, 1 matron) 6,000.00

Total, Item I\$151,723.00

ITEM J. Treasurer's Office:

(1) Treasurer\$ 2,792.00

(2) Bookkeeper 3,932.00

(3) Assistant Treasurer 5,280.00

(4) Clerk (Subject to Section 3 (2)) 3,520.00

(5) Clerk (Subject to Section 3 (2)) 3,520.00

(6) Tax Collector 5,280.00

(7) Deputy 3,884.00

(8) Travel for Tax Collector—Field Work	400.00
(9) Clerk (Subject to Section 3 (2))	3,520.00
(10) Clerk (Subject to Section 3 (2))	3,520.00

Total, Item J \$ 35,648.00

ITEM K. Auditor's Office:

(1) Auditor	\$ 2,792.00
(2) Travel	100.00
(3) Clerk	5,280.00
(4) Clerk	3,932.00
(5) Clerk (Subject to Section 3 (2))	3,520.00
(6) Clerk (Subject to Section 3 (2))	3,520.00
(7) Clerk (Subject to Section 3 (2))	3,520.00
(8) Clerk (Subject to Section 3 (2))	3,520.00
(9) County Board of Equalization	7,737.00
(10) One field man to work with Board of Assessors	4,950.00
(11) Traveling expenses for field clerk	2,000.00
(12) One clerk for six months	1,650.00

Total, Item K \$ 42,521.00

ITEM L. Supervisor's Office:

(1) Supervisor	\$ 7,370.00
(2) Stenographer (Subject to Section 3 (2))	3,520.00
(3) County Commissioners—(5 @ \$1,320.00 each)	6,600.00
(4) Travel for Commissioners (\$50.00 per month)	3,000.00
(5) Clerk	5,280.00
(6) County Engineer	4,966.00

Total, Item L \$ 30,736.00

ITEM M. Judicial:

(1) County Attorney	\$ 1,765.00
(2) Coroner—Salary	3,456.00
Secretary to Coroner (also other departments, if necessary) (Subject to Section 3 (2))	3,520.00
Travel	1,200.00

Total, Coroner \$ 9,941.00

(3) Magistrates:

Frances Prince, or successor, Anderson . . . \$ 3,685.00

Bruce Davis, or successor, Anderson	3,685.00
W. P. Kay, or successor, Belton	1,494.00
Henry Whitfield, or successor, Townville ..	841.00
J. W. Holliday, or successor, Pendleton	1,494.00
George Page, or successor, Honea Path	1,100.00
Edward Poore, or successor, Williamston ..	1,100.00
Henry Thompson, or successor, Pelzer	841.00
Arthur Bishop, or successor, Piedmont	988.00
Iber Jones, or successor, Iva	682.00
S. A. Bannister, or successor, Starr	1,100.00
<hr/>	
Total, Magistrates	\$ 17,010.00
(4) Constables—2 at Piedmont, 3 at Pelzer, 1 at Riverside-Toxaway, 1 at Starr and 1 at Orr Mill, @ \$1,284.00	\$ 10,278.00
(5) Court expenses	35,000.00
(6) Solicitor's Office—10th Judicial Circuit:	
a. Solicitor—expense allowance	\$ 600.00
b. Secretary—salary (Subject to Section 3 (2))	3,520.00
<hr/>	
Total, Solicitor	\$ 4,120.00
(7) Juvenile Relations:	
a. Youth Counselor, salary	5,280.00
b. Travel allowance	1,500.00
c. Assistant Youth Counselor—2 @ \$4,919.00 each	9,838.00
d. Travel allowance	2,400.00
e. Clerk (Subject to Section 3 (2))	3,520.00
f. Clerk (Subject to Section 3 (2))	3,520.00
g. Emergency fund	500.00
<hr/>	
Total, Juvenile Relations	\$ 26,558.00
(8) Parole Office Secretary-Supplemental	\$ 281.00
(9) County Court:	
a. County Judge, salary	\$ 13,750.00
b. Stenographer (Subject to Section 3 (2))	3,520.00
c. Court expenses	6,000.00
<hr/>	
Total, County Court	\$ 23,270.00
<hr/>	
Total, Item M	\$126,458.00

ITEM N. Agriculture:

County Agent's Office:

a. County Agent—salary	\$ 1,177.00
b. Assistant County Agent	321.00
c. County Agent, Secretary	1,611.00
d. Assistant Home Agent	3,683.00
e. Home Agent, Secretary	1,134.00
f. Assistant Farm Agent	1,335.00
g. Associate Home Agent	1,683.00
h. Associate Home and Farm Agents—Secretary	2,000.00
i. County Agent, telephone and supplies ..	700.00
j. Home Agent, telephone and supplies	700.00
k. 4-H Club Boy's Camp	275.00
l. 4-H Club Girl's Camp	275.00
m. F. F. A. Camp	100.00
n. J. H. A. Camp	100.00
o. Free breeding, 4-H and FFA Clubs	1,000.00
p. F. F. A. Foundation	300.00

Total, Item N\$ 16,394.00

ITEM O. Health and Welfare:

(1) County Physician	\$ 3,743.00
(2) Birth and Death Registration (Mrs. King, et al)	1,430.00
(3) Welfare Department:	
a. Emergency Relief Fund	2,250.00
b. Child Welfare Worker—travel	1,500.00
c. Welfare Board, per diem	792.00
d. Telephone and telegraph	1,250.00
e. Mental Health Clinic	15,000.00
f. Miscellaneous needs for foster children ..	600.00

Total, Welfare\$ 21,392.00

(4) Charity—Anderson County Charity Fund ..	\$ 36,000.00
(5) Anderson County Tuberculosis	1,200.00
(6) Salvation Army	1,200.00
(7) County Home	30,000.00
(8) Transportation to State Hospital	1,350.00
(9) Post Mortems and Lunacies	1,500.00

Total, Item O\$ 97,815.00

ITEM P. Miscellaneous:

(1) Legislative Secretary	\$ 588.00
a. Postage	50.00
(2) Anderson Soil Conservation District	1,200.00
(3) Veterans Service Officer, Salary	5,130.00
Veterans Service Officer, Travel	595.00
Secretary, Salary (Subject to Section 3(2))	3,520.00
Office supplies, telephone, postage, printing, etc.	520.00
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Total, Veterans Service Officer	\$ 9,788.00
(4) Annual Audit of County Books	\$ 1,200.00
(5) Broadway Lake Commission	16,680.00
(6) National Guard Units:	
a. Battery D 6th ADA Bn. (Sp.) 118th CAR, or successor	750.00
b. Hq. and Hq. Battery 6th ADA Bn. (Sp.) 118th CAR, or successor	750.00
c. 116th Signal Company Sub-Div. (Williams- ton), or successor	750.00
d. 116th Signal Company (Belton), or suc- cessor	750.00
e. 4th Detachment 263rd Artillery (Total, Na- tional Guard—\$3,300.00)	300.00
(7) Planning and Development Board	50,000.00
(8) Civil Defense	5,500.00
<i>Provided, the county director and secretary shall be paid the same salary as authorized by the county legislative delegation for 1965-1966.</i>	
(9) Tri-County Technical Education Training Center	14,320.00
(10) Geographical Survey	2,500.00
(11) Rent, Education Department	3,600.00
(12) Anderson Safety Commission	500.00
(13) Office expense, to be expended on written au- thorization of Judge J. B. Pruitt	1,200.00
(14) Anderson Airport Commission	4,000.00
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Total, Item P	\$114,426.00

ITEM Q. Contingent Fund\$ 50,000.00

Total, Item Q\$ 50,000.00

GRAND TOTAL\$1,515,024.00

ITEM R. Revenue other than property taxes
(Estimated):

Magistrates' Fines and Costs\$ 93,000.00

Clerk of Court, Fines and Costs 68,000.00

Fees, Auditor 950.00

Fees, Probate Judge 8,500.00

Fees, Sheriff 4,400.00

Fees, Supervisor 5,300.00

Delinquent Tax, Fees, Costs and Penalties .. 52,777.00

Gasoline Tax 320,000.00

State Income Tax 150,000.00

Insurance Licenses and Fees 92,990.00

Beer, Wine and Liquor Tax 125,000.00

Bank Tax 12,500.00

Rents 3,100.00

Miscellaneous Income 21,092.00

Allocated from State of S. C. 7,415.00

Total, Item R\$965,024.00

Estimated amount to be raised by property
tax\$550,000.00

SECTION 3. (1) The accounts as set forth in Section 2 shall be subject to the following provisos:

ITEM A. From this account the county board of commissioners is authorized to pay to the supervisor the estimated expenses of the supervisor's travel in the performance of his necessary duties in the supervision of roads and convicts, not to exceed eighteen hundred dollars, in accordance with the terms of Section 4 of this act.

All truck insurance shall be paid from this account.

The money received from the State gasoline refund tax shall be applied to the appropriation in this item.

The county board of commissioners is hereby authorized to maintain two trash or disposal dumps in each of the five county districts. The expense of operating these waste dumps shall be paid

from the appropriation in Section 2, Item A.

All appropriations made in this act for travel, official expense, salary or any road or street improvement shall be paid on vouchers properly probated.

ITEM B. Unless specifically provided elsewhere in this act, the county shall pay for telephone service only on telephones installed in the public offices in the courthouse, the county jail, the homes of twenty-two deputy sheriffs, the homes of the South Carolina Highway Patrolmen stationed and working in Anderson County, the homes of seven jailors and the sheriff, with their telephones listed in their names, two in the vault of the clerk of court's office, the county home, one at each convict camp, one in the home of the coroner, one in the office used by the State Tax Commission, one in the office of the Registration Board, one each for three probation officers, one for the Youth Counselor, one each for the two Assistant Youth Counselors, one for County Repair Shop, one for Sergeant of White Convict Camp and one for Sergeant at Negro Convict Camp, and it shall not pay for extension telephones at such places, and shall not pay for any long distance calls other than those personally authorized by the Supervisor or the Sheriff. *Provided*, that the supervisor and the board of commissioners shall pay five dollars per month for a telephone in the homes of the jailor, deputy sheriffs and highway patrolmen working in Anderson County. Janitorial salaries shall be paid from this account and shall be increased ten per cent over 1965-1966.

ITEM C. (2) From this account the Sheriff of Anderson County shall pay only the actual operating expense of the county jail and the dieting of prisoners, and no part of this fund shall be used to supplement any salaries and such expense shall be paid by the Anderson County Treasurer upon claims approved by the Supervisor of Anderson County. *Provided*, that any charges made in compromising a case or any meals served to a federal prisoner shall be at the maximum rate prescribed by law; and *provided*, further, that the sheriff is authorized to spend an amount not to exceed five dollars and mileage in any one case for the dusting and photographing of fingerprints. *Provided*, the Sheriff shall file with the clerk of the county board on the first day of each calendar month a duly itemized and sworn statement giving the names of each prisoner and each day.

ITEM E. (1) From this account the supervisor or other proper county officer is hereby authorized to pay the premium on the of-

ficial bonds required of the twenty-two deputy sheriffs of Anderson County, the jailor, and the clerks in the office of the county treasurer and tax collector. The supervisor or other proper county officer is authorized to pay the premiums on burglary or theft insurance from funds in the custody of the Treasurer of Anderson County.

The annual county audit report, as provided by law, shall be printed in a newspaper of Anderson County and the expense therefor shall be paid from this account. A complete report shall be filed with the clerk of court which shall be available to the general public.

ITEM I. The sheriff shall charge the same fees as now provided by law and shall make monthly reports thereof to the Treasurer of Anderson County through the office of the sheriff, and deposit such collected fees with the treasurer, who shall place the money in the General Fund of Anderson County.

ITEM K. (9) From this account the county supervisor is hereby directed to pay the members of the Township Board of Assessors immediately upon completion of their work being certified to by the County auditor.

ITEM M. (3) All magistrates shall charge the following fees:

	<i>For Service</i>	<i>For Magistrate</i>
Rule to Show Cause	2.00	2.00
Distress for Rent	2.00	2.00
Ejectment	2.00	2.00
Summons for Debt	2.00	2.00
Attachment	2.50	2.50
Claim and Delivery	2.50	2.50
Transcript for Judgment	none	1.00
Settlement of Bad Check Warrants ...	none	5.00
Settlement of any other Warrants	none	2.00

In addition to the charges set forth above, on each bad check warrant withdrawn, the magistrate shall collect and pay in to the County General Fund the sum of \$10.00; on the settlement of any other warrant withdrawn, the magistrate shall collect and pay in to the County General Fund the sum of \$2.00, and \$2.00 per day jail fee, while in jail; and the magistrate shall charge mileage for service at the rate of nine (9) cents per mile on all civil papers. Any charges for service effected by the sheriff or his deputies shall be paid to the sheriff for deposit in to the County General Fund.

ITEM M. (4) From this account the supervisor and board of county commissioners are hereby authorized to pay eight Anderson

County Deputy Sheriffs, three at Pelzer, two at Piedmont, one at Riverside-Toxaway, one at Starr and one at Orr Mill the sum of \$1,284.00 per year.

ITEM M. (5) From the sum appropriated under Item M (5), designated as "Court Expenses" there shall be paid unto the grand jurors, petit jurors and bailiffs in circuit court the sum of ten dollars per day. Grand jurors and petit jurors shall, in addition to the aforesaid sum, receive ten cents per mile for one round trip from their home to the Anderson County Courthouse for the term for which they are drawn to serve, and all witnesses appearing in any criminal case under subpoena for attendance thereat, required by South Carolina law to be paid, shall receive the sum of one dollar per day and mileage as is hereinabove fixed for the jurors. In the Special Magistrate's Court, pay for jurors and witnesses shall be at the rate of three dollars per day and pay for two stenographers shall not exceed the sum of three thousand five hundred twenty dollars per year. (Subject to Section 3 (2).) Pay for the jurors in ordinary Magistrate's Court of Anderson County shall be two dollars per day. The jurors and bailiffs in Anderson County Court shall receive the same pay as the jurors and bailiffs in the circuit court.

For services as jurors in the coroner's inquests each person so drawn and who serves shall receive compensation in the sum of two dollars for each inquest to be paid out of this account.

ITEM N. o. This account is to provide for one free breeding for any member of the Anderson County 4-H Club or Anderson County Future Farmers of America.

ITEM O. (2) This account shall be used to pay the various registrars in Anderson County the sum of twenty-five cents each for each birth or death reported, and also registrar shall receive the sum of thirty-one dollars and twenty cents, to be paid in semiannual installments of fifteen dollars and sixty cents.

ITEM O. (3)-a. This account shall be paid to the County Welfare Department and the treasurer is hereby directed to pay over to the County Public Welfare Department the entire sum of two thousand two hundred fifty dollars. At the end of each quarter, the Department of Public Welfare shall file a statement of the expenditure of this fund with the county supervisor, in duplicate.

ITEM O. (4) The funds appropriated under Section O (4) shall be expended upon the approval of a majority of the Anderson County Board of Welfare, which board is hereby designated the Anderson County Hospital Charity Certification Office. All proceeds

received from accounts previously paid out of charity funds shall be deposited with the Treasurer of Anderson County, and such funds shall be added to the amounts appropriated under this section and expended in like manner as the original appropriations.

ITEM O. (9) From this account the supervisor and board of county commissioners are hereby authorized and directed to pay the costs of post mortems and lunacy examinations at the rate of pay provided by contract and approved by the supervisor. Payment herein provided for shall be made upon the certification by the coroner as to post mortems and by the probate judge as to lunacy examinations.

ITEM P. (4) This account shall be expended under the authorization of at least one Senator from Anderson County and a majority of the members of the House of Representatives from Anderson County. Each member of the county legislative delegation shall receive a copy of the annual audit of the county.

ITEM P. (5) From the sum appropriated, the members of the commission shall receive twenty-two dollars per diem for attending meetings of the commission, not exceeding more than one meeting per month.

Provided, that the salary of the two deputies serving the commission shall be paid same as Deputy Sheriffs of Anderson County.

Provided, that the county supervisor is authorized and directed to clear the beaches of all debris once a year at low water at his convenience.

Provided, further, there shall be no boat registration license fees charged for the launching of boats on Broadway Lake.

ITEM P. (7) The amount appropriated under this item is to be used for stationery, postage, and supplies and other purposes. The County Development Board shall render to each member of the delegation a quarterly report of the expenditures of this item.

ITEM Q. These funds shall be used solely for payments of such sums and for such purposes as may be directed by at least one Senator from Anderson County and a majority of the members of the House of Representatives from Anderson County. This may be used during the fiscal year 1966-1967.

(2) All clerks whose salaries are provided for in this act shall receive not less than three thousand three hundred dollars per annum during their first year of employment prior to July first of the succeeding year. After the first year of such continuous service for

Anderson County the minimum pay shall be three thousand four hundred ten dollars and after the second such year three thousand five hundred twenty dollars; *provided*, that no employee shall receive less than the pay they received during the preceding year.

The fact that a sum of three thousand five hundred twenty dollars is listed as to each such clerk's salary shall not be deemed to require that such amount be paid, but the amount to be paid shall be as hereinabove provided for.

SECTION 4. Upon the estreating of any bond and upon the payment adjusted against the bondsmen being paid to the Clerk of Anderson County before judgment is entered up in judgment roll, then in such event the clerk is authorized to enter collection of the amount in his fine books and it shall not be necessary for the clerk to enter up judgment in customary judgment roll. However, he shall file the papers connected with the estreating of the bond, along with the warrant, etc., in the case in which such bond was given.

SECTION 5. All salaries set out in this act are intended as the annual salary of the person designated and are to be paid upon a bimonthly basis of twenty-four installments, to be paid on the fifteenth and last day of each month for such time as such person shall be in actual service in their respective positions. All other items herein are to be expended upon approximately a monthly basis unless such expenditure is inconsistent with the purpose of the appropriation, but in no event shall a deficit be allowed in any appropriation made herein.

SECTION 6. The supervisor and county board of commissioners are hereby authorized and directed to equitably distribute road and highway improvements throughout Anderson County, including the incorporated municipalities therein, so that every section of the county shall receive work and improvement on roads, highways and streets in the different localities of the entire county.

SECTION 7. It is hereby provided that no new highway or road or street shall be opened in Anderson County at the county's expense unless the opening of the highway, road or street is approved in writing by a majority of the county board of commissioners, including the supervisor, and they are hereby prohibited for opening any new street for private development, and no streets or roads shall be opened or improved except for the general public.

SECTION 8. All monies appropriated and designated herein shall be for the purposes designated and any transfer of funds shall be approved by the Anderson County Legislative Delegation.

SECTION 9. Any funds now in the hands of the Treasurer of Anderson County, not heretofore or hereby designated to be used for some specified purpose, shall be held by the Treasurer of Anderson County in a fund to be known as the Anderson County Fund. Also, any funds coming into the hands of the county treasurer from any source provided by this act, not herein appropriated for some particular purpose, shall, at the close of the fiscal year covered by this act, be added to the Anderson County Fund as provided for in this section. The Anderson County Fund shall not be used for any purpose except upon the written authorization of at least one Senator from Anderson County and a majority of the members of the House of Representatives from Anderson County; *provided*, however, that this section shall not apply to the Anderson County Health Department.

SECTION 10. All purchases by any county department shall have a purchase order by the department head.

SECTION 11. Each county official, including heads of Anderson County government subdivisions, shall make an inventory of county-owned equipment (in his office or under his control) along with the serial number (if no serial number is on the equipment he is directed to stamp a number on each item) and forward this information to the supervisor and the board of commissioners and they shall furnish the delegation a complete list and location of all county-owned equipment (including furniture, office equipment, trucks, tractors and so forth) at the beginning of each calendar year.

SECTION 12. All salaries paid partly by the State and partly by the county to constitutional officers shall not exceed a total of seven thousand three hundred seventy dollars per year.

SECTION 13. There is hereby levied on all taxable property of Anderson County a tax of one and one-half mills, the proceeds of which shall be used for school purposes for the fiscal year 1966-1967, by the county board of education, subject to the following provisions:

(1) An amount not greater than the revenue from the levy of one-half mill shall be distributed to the school districts on a per-pupil

basis for free textbooks for pupils certified by their teachers as being unable to pay for same.

(2) Twenty thousand dollars shall be distributed to the school districts on a per-pupil basis for free lunches for pupils certified by their teachers as being unable to pay for same.

(3) Fifteen thousand dollars shall be distributed to the school districts on an equal basis for music instruction in the public schools.

(4) Five thousand dollars shall be distributed to the school districts on an adult class per-pupil basis to help pay the cost of an adult education program as approved by the county board of education.

The county board of education is authorized and directed to employ qualified personnel to fill the following positions in the office of the county superintendent of education :

- (1) Secretary to Superintendent of Education
- (2) Assistant Superintendent of Education
- (3) Supervisor of School Lunch Program
- (4) Supervisor of School Attendance
- (5) Associate Supervisor of School Attendance
- (6) Secretary to Supervisor of School Lunch Program

Such personnel shall be paid salaries in amounts within the discretion of the county board of education. Employees who must use their automobiles in the official performance of their duties shall be paid actual mileage at the rate of nine cents per mile. The county superintendent of education shall be paid mileage at the rate of nine cents per mile.

Members of the county board of education, including the clerk, shall receive ten dollars per diem for each regular monthly meeting attended. Members of the boards of trustees of the several school districts of Anderson County shall receive ten dollars per diem for each monthly meeting attended, such funds to be paid by the respective school districts from current operating funds.

All materials and supplies used by the county board of education and in the office of the county superintendent of education shall be bought and paid for through the office of the county supervisor and the board of county commissioners, as are the materials and supplies of other offices of Anderson County.

The appropriations made in this section are for the benefit of the public schools in Anderson County. Funds collected under provisions of this section not above allocated or the expenditure herein provided for shall be used in the payment of such public school costs

in Anderson County as the county board of education may deem necessary. The acceptance by the county board of education of any portion of the funds appropriated in this section shall be construed as a relinquishment of any right of that board and of any of the schools in the county to receive any portion of any fines imposed for violation of the criminal laws.

It is hereby made a part of the duties of the County Superintendent of Education of Anderson County to prepare and submit to the board of trustees of each school district in Anderson County a detailed statement at the end of the fiscal year showing all receipts, and from what source derived, all expenditures and to what account charged to the respective districts. This report shall set forth the amounts of any funds left on hand by each of the districts, together with any outstanding indebtedness and the status of the same.

An annual audit of all funds accruing to the county board of education under this section shall be rendered to the Anderson County Legislative Delegation at the same time that the annual audit is made, and a copy of same shall be filed in the office of the clerk of court.

All fines, penalties and fees from current and delinquent taxes shall go into the General Fund of Anderson County.

SECTION 14. Every individual, agency, board or commission receiving funds from Anderson County or from the State of South Carolina when purchasing or placing orders for equipment, materials, goods, wares, merchandise or services needed shall make such purchase from firms or individuals within this State whenever such firms or individuals are reliable and offer equipment, materials, goods, wares, merchandise or services of equal quality and specifications with like goods from outside of the State and at a price equal to or less than the price submitted by such nonresident bidders.

SECTION 15. If any word, clause, sentence or section of this act be declared unconstitutional, such shall not affect any other word, clause, sentence or section hereof.

SECTION 16. This act shall take effect upon approval by the Governor.

Approved the 22nd day of April, 1966.

(R1058, H2474)

No. 1183

An Act To Validate Certain Expenditures Made By Anderson County For County Purposes During The Fiscal Year 1965-1966.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Validate expenditures of Anderson County.—The following sums which have been expended by Anderson County for county purposes upon approval of the county legislative delegation, during the fiscal year 1965-1966, are hereby validated and declared to be legal in all respects:

Service Officer's Secretary's Salary Adjustment \$	432.96
Home Demonstration Agent's Secretary's Salary Adjustment	209.91
Foundation for Historic Restoration	1,000.00
Gray Mfg. Co.—Recording Equipment County Court	1,068.11
Harper Brothers—Electric Typewriter Court Stenographer	413.10
Equipment—Mob Rioting Purposes Sheriff Williams	1,166.45
S. C. State Library—Code of Laws Youth Counselor	75.00
James Wallace, Deputy—Travel In Connection with Bloodhounds	81.76
Welfare Department—Itemized List Miscellaneous Needs for Foster Children \$500.00 Salary Supplement for 1965-66 \$1,162.08 Miscellaneous \$105.00	
Total for Welfare Department	1,767.08
Auditor—Fieldman—Expense Account	400.00
Sheriff Williams—New Deputy (Relief Man) (Yearly Salary \$4,472.00 effective October 15, 1965 through June 30.) For 8½ months \$3,167.61 will come from the 1965-66 Contingent Fund.	3,167.61
Supervisor's Office—Burrough's Alphanumeric Accounting Machine	6,998.03
Acker Supply Company—Adding Machine Clerk of Court	97.08
Fant's Camera Shop—Polaroid Camera—Coroner Page	151.48
Anderson County Recreation Commission	1,000.00
Sheriff Williams—Photo-copy Machine	359.47

James Wallace, Deputy—Travel In Connection with Bloodhounds	76.02
Sheriff Williams—Travel	3,000.00
Sheriff Williams—Uniform Allowance Charles Butler	200.00
Gentile Electric Co.—Light Fixtures Auditor's Office	465.00
Dixie Radio Supply—Tape Recorder Magistrate Davis	308.95
Dixie Radio Supply—Tape Recorder Magistrate Prince	308.95
Transfer from Contingent Fund to Various Accounts—Itemized List: Public Buildings \$1,500.00 State Hospital Transportation \$100.00 Postmortem and Lunacy \$500.00 County Home \$8,000.00 Negro Farm and Home Agent Telephone \$125.00 Foster Children Fund \$100.00 Total Transfer	10,325.00
Transfer from Contingent Fund to Broadway Lake Fund	2,684.00
Supplementary Appropriation for Civil Defense Director for Rescue Courses	350.00
Home Demonstration Agent Telephone and Supplies	100.00
Modern Office Machines—Photo-copy Machine Service Office	449.03
Prevost Floor Covering Co.—Floor Covering Clerk of Court's Office	158.37
TOTAL	\$ 37,045.11

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 22nd day of April, 1966.

(R1074, H2497)

No. 1184

An Act To Authorize And Direct The Treasurer Of Anderson County To Pay To The Treasurer Of Abbeville County The Sum Of Fifty-eight Dollars And Thirty-one Cents, Representing Taxes Paid By Ralph Gooch To Anderson County On Property Located In Abbeville County.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Treasurer of Anderson County to pay moneys to Abbeville County.—The Treasurer of Anderson County is hereby authorized to and directed to pay to the Treasurer of Abbeville County the sum of fifty-eight dollars and thirty-one cents, representing taxes paid for the years 1961 to 1965, both inclusive, on property owned by Ralph Gooch, 126 Church Street, Honea Path, South Carolina, to Anderson County on property actually located in Abbeville County.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 22nd day of April, 1966.

(R1079, S708)

No. 1185

An Act To Direct The Anderson County Board Of Commissioners To Lease Two Acres Of County-Owned Property To The Tri-County Mental Health Center.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Anderson County to lease property to Tri-County Mental Health Center.—In consideration of the sum of one dollar, the Anderson County Board of Commissioners is directed to lease two acres of county-owned land at the rear of the new Armory building facing Whitehall Road to the Tri-County Mental Health Center for a period of fifty years for mental health purposes. A plat of the property shall be filed with the clerk of court by the Tri-County Mental Health Center.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 29th day of April, 1966.

(R1360, H2642)

No. 1186

An Act To Amend An Act Of 1966 Bearing Ratification No. 1027, Relating To The Appropriations For The Operating Expenses Of Anderson County, So As To Delete The Requirement That Certain Appropriations Made For Travel, Official Expense, Salary Or Road Improvement Be Paid By Probated Vouchers.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. ITEM A of Section 3 of an Act of 1966 bearing Ratification No. 1027 is amended by striking the following paragraph at the end of the item :

"All appropriations made in this act for travel, official expense, salary or any road or street improvement shall be paid on vouchers properly probated." The item when amended shall read as follows :

"ITEM A. From this account the county board of commissioners is authorized to pay to the supervisor the estimated expenses of the supervisor's travel in the performance of his necessary duties in the supervision of roads and convicts, not to exceed eighteen hundred dollars, in accordance with the terms of Section 4 of this act.

All truck insurance shall be paid from this account.

The money received from the State gasoline refund tax shall be applied to the appropriation in this item.

The county board of commissioners is hereby authorized to maintain two trash or disposal dumps in each of the five county districts. The expense of operating these waste dumps shall be paid from the appropriation in Section 2, Item A."

SECTION 2. This act shall take effect upon approval by the Governor.

Approved the 1st day of June, 1966.

(R1362, H2664)

No. 1187

An Act To Authorize The Anderson County Commissioners To Employ An Architect To Study And Make Recommendations And Cost Estimates Relative To The Anderson County Courthouse, Health Center And County Office Space And To Provide For A Referendum.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Anderson County may employ architect.—The Anderson County Commissioners shall employ a local architect to study, make recommendations and furnish cost estimates relative to :

(1) Remodeling and enlarging the Anderson County Courthouse to add sufficient office space to adequately provide for all Anderson County offices and departments ;

(2) Construction of a new Anderson County Courthouse on a site to be purchased to provide for sufficient office space to adequately provide for all Anderson County offices and departments;

(3) Remodeling the courthouse without enlarging it and converting the present health building for use for county office space and constructing a new health center with the help of Hill-Burton funds.

SECTION 2. Cost.—The cost of employing an architect for the above-mentioned purposes shall be paid from the contingent fund of Anderson County and shall not exceed seven thousand five hundred dollars.

SECTION 3. Advisory referendum.—The Commissioners of Election of Anderson County shall conduct an advisory referendum at the same time as the general election in November 1966. Ballots shall be provided at the various voting precincts throughout the county with the following written or printed hereon: "My choices as to providing courthouse and office facilities are as follows:

() Remodel and enlarge the Anderson County Courthouse to add sufficient office space to adequately provide for all Anderson County offices and departments.

Estimated Cost

() Construct a new Anderson County Courthouse on a site to be purchased to provide for sufficient office space to adequately provide for all Anderson County offices and departments.

Estimated Cost

() Remodel the courthouse without enlarging it and converting the present health building for use for county office space and construct a new health center with the help of Hill-Burton funds.

Estimated Cost"

The architect shall supply the estimated cost of each of the three choices to the commissioners of election who shall insert the estimated cost of each choice in the appropriate place on the ballot.

Those persons voting shall indicate their first and second choices by inserting "1" for first choice and "2" for second choice opposite the three choices provided.

The commissioners of election shall tabulate the results of the referendum and certify them to the Clerk of Court of Anderson County and to the membership of the House of Representatives from Anderson County.

SECTION 4. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 1st day of June, 1966.

(R751, H1956)

No. 1188

An Act To Amend Act No. 1032 Of The Acts Of 1962, Providing For The Creation Of The Willow Swamp Watershed Conservation District In Bamberg And Colleton Counties, So As To Remove The Limitation Upon The Tax Which May Be Levied To Support The District.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 12 of Act 1032 of 1962 amended—budget—tax levy.—Section 12 of Act No. 1032 of the Acts of 1962 is amended by deleting “, not to exceed five mills,” so that when amended the section shall read as follows:

“Section 12. (a) Within the first quarter of each calendar year, the board of directors shall prepare an itemized budget of the funds needed for administration and for construction, operation, and maintenance of works of improvement, but not including funds for payment of any bond assessment. The joint board shall approve or revise such budget. The board of directors with the assistance of the county auditors shall prepare a list of the freeholders and the number of acres in the district. The county auditors shall levy a tax sufficient to meet such budget on all real property within the district.

(b) When the property tax rolls are delivered to the county treasurers by the county auditors, as required by law, the county treasurers shall compute the tax, exclusive of any bond taxes, due the district from each freeholder in accordance with the rate fixed by the board of directors and the value of the real property indicated on the tax roll. The computation shall be made on the regular tax bills.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 26th day of January, 1966.

(R1139, H2538)

No. 1189**An Act To Authorize The Trustees Of Bamberg County School District No. 1 To Borrow Not Exceeding Thirty Thousand Dollars To Be Used For School Purposes, And To Provide For The Payment Of The Loan.**

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. School District No. 1, Bamberg County, may borrow money.—The Board of Trustees of School District No. 1 of Bamberg County is hereby authorized to borrow not exceeding thirty thousand dollars from the Division of General Services, or any other lending agency, at the lowest interest rate available, to be used for school purposes. The amount borrowed shall be evidenced by a note to be executed by each member of the board. The note shall bear interest at not exceeding four per cent per annum from the date thereof, interest to be paid annually, and shall be payable in five equal, annual installments, with the right to anticipate payment thereof at any annual interest-paying period. The full faith, credit and taxing power of the county are irrevocably pledged for payment of the loan.

SECTION 2. Payment.—The Auditor of Bamberg County shall levy, and the Treasurer of Bamberg County shall collect, an annual tax upon all of the taxable property of the district sufficient to retire the loan and the interest due thereon, and the entire proceeds of such levy shall be applied to the payment of the note, inclusive of interest, in full, at which time the levy provided herein shall be terminated. In the event the school district may receive or have on hand any funds not otherwise pledged or designated for a particular use, such funds may be used for payment of the loan and interest thereon.

SECTION 3. Payment—further.—Should the money be borrowed from the Division of General Services and should there be default in any payment, the State Treasurer shall withhold all state funds accruing to the district and transmit such funds to the Division of General Services.

SECTION 4. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 4th day of May, 1966.

(R1387, H2727)

No. 1190

An Act To Provide For The Levy Of Taxes For County Purposes In Bamberg County For The Fiscal Year Beginning July 1, 1966, And Ending June 30, 1967, And For The Expenditure Thereof; To Fix The Compensation Of Certain Officers; To Validate Certain Disbursements, Expenditures And Actions During The Fiscal Year 1965-1966, And Otherwise Relating To The Fiscal Affairs Of Bamberg County.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. The Auditor of Bamberg County is hereby directed to levy a tax of five mills on all of the taxable property in Bamberg County, the proceeds thereof to be turned over to the trustees of Bamberg County Memorial Hospital to be used by them in supplementing other revenue received from the trustees in operating the hospital during the fiscal year beginning July 1, 1966, and ending June 30, 1967. In the event that the funds are not needed for this purpose during the fiscal year ending June 30, 1967, then the funds are to be held by the Treasurer of Bamberg County until they are needed for such purposes.

The trustees of the hospital are authorized to refer all cases requesting hospital assistance to the Department of Public Welfare of Bamberg County, and the Department of Public Welfare is authorized and directed to investigate and make recommendations as to all such cases.

SECTION 2. The Auditor of Bamberg County is hereby directed to levy a tax on all of the taxable property in Bamberg County for ordinary county purposes for the fiscal year beginning July 1, 1966, and ending June 30, 1967, the revenue derived from such tax and other funds to be expended in the amounts and for the purposes hereinafter stated:

Item 1. Roads and Bridges:

Convicts and maintenance of roadworking organization; materials used in and for general operating expenses of plant for manufacturing of concrete bridge materials; also for purchasing new road machinery, trucks, equipment and repairs, if so much be necessary	\$ 27,000.00
Mechanic at county prison	2,909.00

	Foreman at county prison	2,657.00
	Guard at county prison	1,800.00
	Guard at county prison	1,200.00
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	Total, Item 1	\$ 35,566.00
	The Supervisor shall deliver to each member of the legislative delegation, on or before the tenth day of each month, an itemized statement showing the amount of each disbursement made during the preceding month, to whom paid, and for what the voucher was issued.	
Item 2.	Clerk of Court's Office:	
	Salary of Clerk	\$ 2,840.00
	Clerical help	861.00
	<i>Provided</i> , that the Clerk of Court is authorized to charge a fee of \$5.00 for the filing of a summons and complaint.	
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	Total, Item 2	\$ 3,701.00
Item 3.	Judge of Probate's Office:	
	Salary of Judge of Probate and Acting Master ..	\$ 2,840.00
	Clerical help	861.00
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	Total, Item 3	\$ 3,701.00
Item 4.	Auditor's Office:	
	Portion of salary paid by county	\$ 1,400.00
	Clerical help	861.00
	Travel expense	300.00
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	Total, Item 4	\$ 2,561.00
Item 5.	Treasurer's Office:	
	Portion of salary paid by county	\$ 1,400.00
	Clerical help	861.00
	Travel expense	200.00
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	Total, Item 5	\$ 2,461.00
Item 6.	Sheriff's Office:	
	Salary of Sheriff	\$ 6,422.00
	Deputy Sheriffs (2)	9,700.00

	Office Clerk	2,400.00
	<i>Provided</i> , that the deputies shall also act as constables for the Magistrate at Bamberg.	
	Gas, oil and upkeep of two cars owned by county and used by the Sheriff and Deputy Sheriffs, if so much be necessary	2,500.00
	To purchase uniforms for Sheriff and Deputy Sheriffs	500.00
	To purchase photo supplies, ammunition, etc., if so much be necessary, by approved vouchers ..	200.00
	For radio repair and service	300.00
	Total, Item 6	\$ 22,022.00
Item 7.	Superintendent of Education's Office:	
	Portion of salary paid by county	\$ 1,251.42
	For use of auto, maintenance and travel expense ..	618.00
	Total, Item 7	\$ 1,869.42
Item 8.	Supervisor's Office:	
	Salary of Supervisor	\$ 3,540.00
	Salary of Clerk	6,422.00
	For use of auto, maintenance and travel expense ..	525.00
	County Commissioners, two @ \$440.75 each ..	881.50
	Total, Item 8	\$ 11,368.50
Item 9.	Coroner's Office:	
	Salary of Coroner	\$ 489.40
	For traveling expense and stenographic fees for taking and transcribing testimony	120.00
	Total, Item 9	\$ 609.40
Item 10.	Jail:	
	Salary of Jailer	\$ 1,500.00
	Jail expenses, including dieting of prisoners, if so much be necessary. <i>Provided</i> , that the jailor shall be allowed one dollar and fifty cents a day for each prisoner (any city prisoner to pay county two dollars turnkey and one dollar a day for dieting)	\$ 4,000.00
	Total, Item 10	\$ 5,500.00

Item 11. Miscellaneous Salaries:

Attorney	\$ 466.40
Physician	466.40
Clerical help, School Lunch Supervisor	954.45
Clerical help, Home Demonstration Agent's Of- fice	600.00
Part salary, Negro Home Demonstration Agent	720.00
Clerical help, Negro Farm and Home Demon- stration Agents	900.00
Maid at Courthouse	1,419.00
Janitor at Courthouse	1,419.00
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Total, Item 11	\$ 6,945.25

Item 12. County Boards:

Board of Education	\$ 400.00
Board of Equalization	600.00
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Total, Item 12	\$ 1,000.00

Item 13. For the purchase of furniture and equipment for
the various county offices, if so much be neces-
sary, with expenditures from this appropriation
to be first approved by the legislative delegation \$

1,500.00

Total, Item 13\$ 1,500.00

Item 14. Court Expenses\$ 4,320.00

Provided, that jurors and bailiffs shall be paid five dollars per day for services in attendance upon courts. The jury boy shall be paid three dollars per day for services in attendance upon courts. Jurors in magistrates' courts in criminal cases and jurors in coroner's court one dollar per day, to be paid upon warrants of the magistrates or coroner. *Provided*, further, that out of the funds herein appropriated for court expenses, the resident Circuit Judge is hereby authorized to use for stenographic services not to exceed the sum of \$820.00.

Total, Item 14\$ 4,320.00

Item 15. Magistrates' and Constables' Salaries:

Magistrate at Bamberg	\$ 2,240.00
Constable at Bamberg (Deputy Sheriff acts as Constable).	
Magistrate at Denmark	1,120.00
Constable at Denmark	530.00
Magistrate at Olar	653.00
Constable at Olar	381.60
Magistrate at Ehrhardt	653.00
Constable at Ehrhardt	381.60
Magistrate at Fishpond Township	539.30
Constable at Fishpond Township	321.80

Provided, that if the magistrates for the Towns of Bamberg, Denmark, Olar and Ehrhardt do not live in the respective towns, they shall establish office hours in the towns on Saturdays from 10 a. m. to 4 p. m. of each week and be available during such time for official duties.

Total, Item 15\$ 6,820.30

Item 16. Welfare Department (State):

For emergency relief	\$ 1,000.00
All cases receiving assistance from this fund to be approved by a majority of the board. <i>Provided</i> , that the director may approve cases needing immediate attention and in which suffering would result if assistance were delayed, but in such cases he shall make a full report showing the nature of the emergency and the amount given each recipient at the next meeting. A monthly report of all expenditures shall be made to the legislative delegation.	

Total, Item 16\$ 1,000.00

Item 17. Public Buildings, including water, fuel, lights, telephone, insurance and purchase of cleaning materials and tools for building and grounds, and for repairs to county property.\$ 10,371.85

Total, Item 17\$ 10,371.85

Item 18. Post mortems, inquests and lunacies	\$ 650.00
Total, Item 18	\$ 650.00
Item 19. Printing, postage and stationery	\$ 3,500.00
<i>Provided</i> , that itemized bills for all expenditures out of this sum shall be filed with the county supervisor before payment is made. <i>Provided</i> , further, that the amount be apportioned to the various offices on approximately the same basis as heretofore used by these offices, and that no office or officer shall be allowed to use during the current year an amount in excess of the sum apportioned by the County Board.	
Total, Item 19	\$ 3,500.00
Item 20. County Health Department, if so much be necessary, the amount to be determined by the Bamberg County Legislative Delegation and the Bamberg County Health Department	\$ 8,573.50
For rabies control	100.00
Tuberculosis work in county	1,000.00
Total, Item 20	\$ 9,673.50
Item 21. Miscellaneous :	
(a) Vital Statistics	\$ 225.00
(b) Premium on Bonds	660.00
(c) For auditing county books for 1965-66	2,000.00
(d) Boys' 4-H work	175.00
(e) Girls' 4-H work and Women's 4-H work	175.00
(h) Demonstration supplies for Home Agent	125.00
(i) Demonstration supplies and photographic material for Farm Agent, if so much be necessary	100.00
(j) Bamberg Public Library	9,113.44
(k) For burial of paupers	1,000.00
(l) Rent for Federal projects and for county agencies, if so much be necessary	52.00
(m) To pay premium for Workmen's Compensation Insurance for county officials and employees, if so much be necessary	800.00

(n) For retirement of county officers and employees, if so much be necessary	2,400.00
(o) Social Security for county employees	2,560.00
(p) For National Guard, to be expended upon vou- chers approved by the Captain of the National Guard	1,000.00
(q) Edisto Soil Conservation District, to be used for farm work in Bamberg County	500.00
(r) To supplement salary of County Farm Demon- stration Agent	400.00
(s) Colored County Farm Demonstration Agent ..	400.00
(t) Flowers and shrubbery for Bamberg County Hospital	100.00
(u) Janitor for Health Department and Welfare De- partment, and to care for Courthouse and Li- brary grounds under supervision of Health De- partment	1,000.00
(v) Fertilizer and improvements for Courthouse and Library shrubbery	200.00
(w) Official expense—Circuit Judge (to be paid upon warrant of Circuit Judge)	720.00
(x) To supplement salary of County Forest Fire Protection Unit Driver	180.00
(z) To supplement salary of Assistant Farm Dem- onstration Agent	120.00
(aa) Employer contribution—S. C. Police Retire- ment	1,000.00
(bb) To supplement salary of County Service Officer	240.00
(cc) To supplement salary of County Forest Ranger	240.00
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Total, Item 21	\$ 25,485.44
Item 22. Contingent Fund	\$ 10,000.00
To be used only with the written approval of the Bamberg County Legislative Delegation.	
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Total, Item 22	\$ 10,000.00
Item 23. Bamberg County Planning and Development Board, to be paid upon vouchers approved by	

	the chairman and secretary, if so much be necessary	5,000.00
	Total, Item 23	5,000.00
Item 24.	For annual expenses, maintenance and operation of the J. C. Kearsce Agricultural Building, if so much be necessary <i>Provided</i> , that all Federal agencies with officers located in such building shall pay to the General Fund of Bamberg County their proportionate share of the above cost, based on a square footage occupancy.	\$ 5,000.00
	Total, Item 24	\$ 5,000.00
Item 25.	Tax Collector	\$ 2,090.00
	Travel Expense	300.00
	<i>Provided</i> , that the supervisor shall not disburse any amounts, including salaries, under this item unless the report has been filed for the preceding month.	
	Clerical help	1,200.00
	<i>Provided</i> , that all taxes other than merchants' and corporation taxes due the county prior to and including taxes for the year 1960 shall be collected, nulla bona, or levied upon by the Tax Collector of Bamberg County on or before November 1, 1966.	
	<i>Provided</i> , further, that all merchants' and corporation taxes due the county prior to and including taxes for the year 1965 shall be collected, nulla bona, or levied upon by the Tax Collector of Bamberg County on or before November 1, 1966.	
	Total, Item 25	\$ 3,590.00
Item 26.	Civil Defense	\$ 7,182.00
	Total, Item 26	\$ 7,182.00
Item 27.	Maintenance, Denmark Auxiliary Health Center	\$ 100.00
	Total, Item 27	\$ 100.00

Item 28. Pest Control Service	\$ 492.00
Total, Item 28	\$ 492.00
Item 29. Western Carolina Higher Education Commission, if so much be necessary, to be paid in such installments as requested and upon vouchers of the Bamberg County members of the Western Carolina Higher Education Commission	\$ 5,000.00
Total, Item 29	\$ 5,000.00
Item 30. Local funds to be used for the construction of the County Library	\$ 14,338.00
Total, Item 30	\$ 14,338.00
GRAND TOTAL	\$211,327.66
Estimated Revenue:	
Fines and Licenses	\$ 17,000.00
Gasoline Tax (one cent)	60,000.00
Insurance Licenses	10,000.00
Liquor Taxes	17,000.00
Beer and Wine Tax	4,500.00
Execution Fees	1,500.00
Income Tax	28,000.00
Bank Tax	2,500.00
Diversion from Hospital Millage	8,137.00
Miscellaneous	14,976.44
Total, Estimated Revenue	\$163,613.44
Amount to be raised by taxation	\$ 47,714.22

SECTION 3. The appropriation made under the foregoing section for the office of Sheriff and office of Treasurer of Bamberg County is intended to be full compensation for their respective services. *Provided*, that all mileage and docketing fees shall be turned over to the treasurer and placed in the sheriff's auto maintenance and traveling expenses fund. *Provided*, further, that mileage shall be nine cents per mile and per diem ten dollars.

SECTION 4. No charge shall be made by the auditor for entries upon the books of his office of any transfer of real estate by deed or other written instruments.

SECTION 5. The commutation road tax shall be considered as a part of the revenue of the county for road purposes, and is not to be expended in addition to the amount appropriated in Item 1 of this act.

SECTION 6. The amounts provided for herein for the several purposes shall be expended for the purpose stated and none other, and any unexpended balance in hand at the expiration of the fiscal year shall revert to the general fund of the county.

SECTION 7. Should there be any deficit in any item of the 1965-1966 appropriations act, or should any deficit occur in any item under the provisions of this act, the county treasurer is hereby authorized and directed to transfer any surplus appearing in any account to any deficit appearing in any other account; and if the surpluses from such items are insufficient to cover the deficits, then there is hereby appropriated out of the General Fund of Bamberg County a sufficient amount to cover such deficits, provided the payment of same has been authorized in writing by the Bamberg County Legislative Delegation.

SECTION 8. No expense allowed under this act shall be paid out in bulk, but is to be for actual expenses incurred in official business, and the supervisor is hereby required to demand and retain proper itemized and verified vouchers for each such expenditure.

SECTION 9. It shall be unlawful for the county supervisor or board of commissioners to make any contracts to purchase or to make any purchase for an amount exceeding one thousand dollars without the written consent of the legislative delegation.

SECTION 10. Any expense incurred by reason of failure of an officer of the county to perform the duties of his office, as required by law, shall be deducted from the salary of the officer so failing to perform his duty.

SECTION 11. No warrant shall be issued to pay any magistrate and his constable until the end of the month and until such magistrate has filed his report of the proceedings of his court, and such magistrate shall have filed a bond as provided by law.

SECTION 12. The county treasurer is authorized and directed to mail to every taxpayer the same form of notice as provided for under the terms of Section 11 of the appropriations act of Bamberg County for the year 1943.

SECTION 13. The clerk of court is hereby authorized and directed to charge the sum of fifty cents to satisfy any real estate mortgage; *provided*, that the satisfaction is in the form as authorized under item (1) of Section 45-65 of the 1962 Code. For recording chattel mortgages for amounts under one hundred dollars, the clerk is hereby authorized and directed to charge the same fee as any chattel mortgage, regardless of the amount of such mortgage.

SECTION 14. All chattel mortgages will be recorded in the same books and indexed accordingly.

SECTION 15. The resident Circuit Judge shall be entitled to the same benefits as any other county official.

SECTION 16. A certain sum to be determined under the provisions of Act 238 of 1959 shall be placed in the general fund of the county, which amount shall be diverted from hospital millage by the Treasurer of Bamberg County.

SECTION 17. The local library board shall have the authority to contract with neighboring counties and with the State Library Board when in so doing they can accomplish the extension and improvement of library service in Bamberg County.

SECTION 18. The Treasurer of Bamberg County is hereby authorized and directed to turn over to the Bamberg County Planning and Development Board such sums of money as may be directed by the Bamberg County Legislative Delegation. The funds are to be used by the Bamberg County Planning and Development Board for such projects as in the discretion of the board will tend to relieve unemployment in the county and stimulate business within the county.

SECTION 19. The disbursements, expenditures and actions authorized by the Bamberg County Legislative Delegation during the fiscal year 1965-1966 in connection with the operation of the county, and departments and agencies thereof, are hereby validated and declared to be legal and binding acts of the officials of the county who acted in pursuance thereof.

SECTION 20. The provisions of this act as to the several officers in Bamberg County named in this act are mandatory and not discretionary and, upon failure or refusal of any of them to do the things herein directed and required to be done by them, the supervisor shall immediately bring and institute in the courts mandamus or such other proceedings as may be proper or necessary to carry into effect the provisions of this act. The county attorney is directed to advise all officers named in this act of their respective duties required of them in this act, and whenever necessary take legal steps at the direction of the county supervisor in the enforcement thereof.

SECTION 21. Any appropriations made by this act may be reduced or eliminated by order of the Legislative Delegation from Bamberg County and, when any new employee enters the service of Bamberg County, whether replacing an existing employee or filling a new position, the compensation or salary of such new employee shall be set by the legislative delegation.

SECTION 22. If any word, phrase, part or section of this act is held unconstitutional, the remaining portion shall continue in full force and effect.

SECTION 23. This act shall take effect upon approval by the Governor.

Approved the 13th day of June, 1966.

(R1428, H2724)

No. 1191

An Act Authorizing The Supervisor Of Bamberg County To Borrow Not Exceeding Fifty Thousand Dollars For County Purposes Under Certain Conditions.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Bamberg County may borrow money.—The Supervisor of Bamberg County, with the approval of at least one member of the county board of commissioners, is authorized to borrow for county purposes a sum not to exceed fifty thousand dollars from the Division of General Services or other sources at the most favorable available rate and upon terms to be agreed upon.

SECTION 2. Payment if borrowed from Division of General Services.—Should the money be borrowed from the Division of General Services and should there be default in any payment, the State Treasurer is directed to withhold any funds accruing to the county and to transmit such funds to the Division of General Services. The full faith, credit and taxing power of Bamberg County are irrevocably pledged for the payment of the loan.

SECTION 3. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 8th day of June, 1966.

(R1388, H2580)

No. 1192

An Act To Provide For The Levy Of Taxes For Ordinary County Purposes In Barnwell County For The Fiscal Year Beginning July 1, 1966; To Provide For The Expenditure Thereof; And To Provide For Other County Purposes.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. The County Auditor of Barnwell County is hereby directed to levy a tax on all the taxable property of the County of Barnwell for county purposes for the fiscal year beginning July 1, 1966, and ending June 30, 1967, sufficient to pay the following appropriations:

Item 1. Roads and Bridges:

Convicts and maintenance road working organizations	\$ 22,000.00
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	\$ 22,000.00

Item 2. Clerk of Court's Office:

Salary of Clerk of Court	\$ 2,000.00
Salary of Assistant Clerk	3,000.00
Indexing birth and deaths	200.00
Recording discharge of soldiers and sailors	150.00
Repairing and binding books, if so much be necessary	200.00
To provide for preserving by the process of lamination or otherwise, through the State Ar-	

chives Department, certain very old and brittle records of the county	300.00
Telephone	112.00

\$ 5,962.00

Provided, that the fee that may be charged by the Clerk of Court for Barnwell County for the recording, filing, indexing and/or registering of any mortgage or other instrument conveying a lien on crops growing or to be grown and/or personal property and made to any corporation organized under the Act of Congress known as the Farm Credit Act of 1933, a Regional Agricultural Credit Corporation, a Federal Intermediate Credit Bank, or any other corporation which rediscounts notes or other obligations with or procures loans from a Federal Intermediate Credit Bank, the Reconstruction Finance Corporation, or the Government of the United States or any department, agency, instrumentality or officer thereof, shall be fifty (50¢) cents; *provided*, that a copy or duplicate of such instruments be furnished to the recording officer. Barnwell County is specifically excepted from the provisions of Sections 27-60, 27-61, 27-66, 60-2 and 60-303 of the 1962 Code; *provided*, further that in addition to the fee hereinabove fixed for recording chattel mortgage, the Clerk of Court may charge an additional fee of twenty-five (25¢) cents, when he is required to search the records before recording any such mortgage. *Provided*, further, that notwithstanding Section 27-52 of the 1962 Code, in Barnwell County the Clerk of Court shall receive for recording deeds without dower a fee of \$2.00; deeds with dower a fee of \$2.25; chattel mortgages a fee of \$1.50; and chattel mortgages with assignment a fee of \$2.00. *Provided*, that the Clerk of Court is authorized and directed to remove from the active shelves of the Clerk's

office and store or destroy all chattel mortgage records ten (10) years of age or older.

Item 3. Sheriff's Office:

Salary of Sheriff	\$ 4,000.00
For use of auto, maintenance and travel expense of Sheriff	2,400.00
Salaries of two Deputy Sheriffs, to be appointed by the Sheriff (\$3,800.00 each)	7,600.00
For use of autos for two Deputy Sheriffs, who furnish their own cars, maintenance and gasoline (\$2,000.00 each)	4,000.00
Replacement of uniforms for two Deputy Sheriffs (\$200.00)	400.00
Salary of Clerk	3,000.00
Dieting prisoners	2,480.00
The Sheriff shall act as jailor without additional compensation.	
Extra help at jail	938.00
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	\$ 24,818.00

Item 4. Treasurer's Office:

Salary of Treasurer	\$ 1,320.00
Salary of Clerk	3,000.00
Assistant Clerk, two months @ \$250.00 per month	500.00
Telephone	112.00
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	\$ 4,932.00

Item 5. Auditor's Office:

Salary of Auditor	\$ 1,800.00
Traveling expenses of Auditor	300.00
Salary of Clerk	3,000.00
Salary of Assistant Clerk (10 months @ \$250.00 per month)	2,500.00
Purchasing and/or repairing and binding books, if so much be necessary	200.00
Telephone	112.00
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	\$ 7,912.00

Item 6. Board of Education:

Salary of Clerk	\$ 2,200.00
Travel, Attendance Teacher	400.00
Members of County Board, each \$200.00	1,400.00
Expenses, County Board	500.00
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	\$ 4,500.00

Provided, that in addition to the salary provided for the County Board of Education, there shall be allowed ten (10¢) cents per mile travel going to and returning from official meetings of the board.

Item 7. Judge of Probate's Office:

Salary of Judge of Probate and Acting Master ..	\$ 2,200.00
Salary for Clerk	1,800.00
To provide for preserving by the process of lamination or otherwise, through the State Archives Department, certain very old and brittle records of the county	300.00
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	\$ 4,300.00

Provided, that the fees charged by the Judge of Probate for Acting Master shall be the same as those heretofore provided by law for the Master of Barnwell County, in the Code. *Provided*, further, that any general law to the contrary notwithstanding, except any general legislation passed in 1952, the fees charged by the Judge of Probate of Barnwell County shall be those provided for in Section 27-308 of the 1962 Code.

Item 8. Coroner's Office:

Salary of Coroner	\$ 1,200.00
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	\$ 1,200.00

Item 9. County Board of Managers:

Salary of Supervisor of Roads	\$ 3,600.00
Traveling expenses for Supervisor	1,800.00
Expense allowance for Supervisor	600.00
Salary of County Managers, five @ \$500.00 each	2,500.00

Travel expenses for Chairman	100.00
Salary of Clerk	3,000.00
Printing, postage and stationery	8,350.00
Contribution to the poor and needy of Barnwell County, to be expended under the direction of the County Board of Managers to cases not otherwise covered by law	2,000.00
Emergency relief, to be disbursed under direction of the Department of Public Welfare	2,500.00
Travel for Child Welfare Worker	480.00
Expenses, Director Barnwell DPW investigating hospital cases	300.00
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	\$ 25,230.00

Provided, that no charity patient shall be admitted to the Barnwell County Hospital unless certified by the Barnwell County Department of Public Welfare.

Provided, that the item for printing, postage and stationery shall, by the County Board of Managers, be apportioned in the various offices in Barnwell County entitled to use the fund on a basis of the ratio hereinabove used, and no office or officer shall be allowed to use during the current year an amount in excess of the sum so apportioned by the County Board of Managers. *Provided*, further, that the farm lands owned by the county and operated as the Poor House Farm shall be used by the County Board of Managers in its discretion for the growing of foodstuffs for use by the County Chain Gang and County Hospital.

Item 10. Tax Collector's Office :

Salary of Tax Collector	\$ 1,980.00
Salary of Clerk	2,000.00
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	\$ 3,980.00

Item 11. Magistrates and Constables :

Magistrate at Barnwell	\$ 2,700.00
Expenses for Magistrate at Barnwell	300.00

Constable at Barnwell	780.00
Magistrate at Blackville	780.00
Constable at Blackville	780.00
Magistrate at Williston	780.00
Constable at Williston	780.00
Magistrate at Hilda	540.00
Constable at Hilda	540.00
Magistrate at Red Oak	540.00
Constable at Red Oak	540.00

\$ 9,060.00

Provided, that no warrant shall be issued to pay any Magistrate and his Constable until at the end of each month and such Magistrate has filed his report of the proceedings in his court and accounted for all monies collected.

Item 12. Court Expenses:

Court expenses	\$ 2,500.00
Secretarial help for the Judge of the Second Judicial Circuit	500.00

\$ 3,000.00

Item 13. Health Work:

Physicians, County Jail and Chain Gang	\$ 400.00
Contribution to operation of County Health Department to match State funds, as provided by law, including \$500.00 for T. B. work	5,500.00
Vital Statistics:	
To pay local Vital Statistics Registrars, if so much be needed	200.00

\$ 6,100.00

Provided, that all monies expended by the County Health Department shall be spent upon the written approval of the Barnwell County Legislative Delegation.

Item 14. Public buildings, including water, fuel, lights, insurance, also salary (\$4,000.00) and expense (\$500.00) for Superintendent and Maintenance

Engineer for all public buildings, including Courthouse, Office Building, Health Building, County Jail, Agricultural Building, County Farm Prison Building, and County Library; for keeping grounds beautified around such buildings; and for the use of personal truck and tools 25,400.00

\$ 25,400.00

Item 15. Farm and Home Demonstration Work:

County Agent's Work:
 County Agent, Salary Supplement\$ 600.00
 Assistant County Agent, Salary Supplement .. 360.00
 Home Demonstration Agent, Salary 360.00
 Secretary to County Extension Agents, past salary 600.00
 Associate Home Agent, part salary 720.00
 Boys' and Girls' 4-H Club Work 300.00
 Telephone Services for Extension Agents 225.00
 Demonstration Supplies for Home Demonstration Work 100.00
 Demonstration Supplies for County Agent Work 100.00
 Contingent, Stamps, Etc., for County Extension Agents 100.00

\$ 3,465.00

Item 16. Library Board, including water, fuel, lights, also salaries, purchase of books and periodicals, book binding, library supplies. Bookmobile operation and insurance, miscellaneous items, and Librarian's expenses to S. C. Library Association meeting\$ 13,208.00
 Discretionary fund (extra cleaning, expenses of special events, etc.) 275.00

\$ 13,483.00

Provided, that upon the approval of the County Delegation of Barnwell County the Library Board of Barnwell County is authorized to enter

into contracts and agreements with other county library boards of the State, and the South Carolina State Library Board and to fully cooperate therewith in encouraging and promoting the establishment and use of libraries, the procurement of funds therefor, and the efficient use of such funds in establishing and improving public library service.

Item 17. Miscellaneous:

Barnwell Soil Conservation District	\$ 500.00
Premium on Bonds	900.00
Post Mortems, lunacy and inquests	800.00
County Attorney	150.00
Board of Equalization	1,400.00
County Audit	1,200.00
S. C. Industrial Commission	1,580.57
S. C. Retirement System	3,500.00
Social Security Trust Fund	3,700.00
Contribution to Richardson-Walsh American Legion Hut	300.00
Contribution to American Legion Post at Williston	300.00
Contribution to American Legion Post at Blackville	300.00
Contribution to Barnwell County National Guard Maintenance Fund	1,500.00
Blue Cross—Blue Shield	5,125.00
Civil Defense (to be expended on approval of Barnwell County Legislative Delegation)	3,300.00
Fifty per cent (50%) of salaries of two radio operators jointly operating radio service between the city of Barnwell and the county law enforcement officers	2,500.00
S. C. Police Officers Retirement System	1,900.00
Board of Registration	600.00
Salkehatchie Regional Campus, USC	2,500.00

\$2,500.00 has heretofore been paid by directive from the Legislative Delegation, making a total of \$5,000.00 including the above, which shall discharge in full the commitment to this project.

Miscellaneous Contingent Fund	4,000.00
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	\$ 36,055.57
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GRAND TOTAL	\$201,397.57
Less Estimated Revenue other than Taxes:	
Fines and Licenses	\$ 6,000.00
Commutation Tax	3,000.00
Gasoline Tax	69,000.00
Insurance License Fees	16,000.00
Alcoholic Liquors Tax	22,000.00
Beer and Wine Tax	5,500.00
Income Tax	38,000.00
Miscellaneous	5,000.00
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	\$164,500.00
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Amount to be raised by taxation	\$ 36,897.57

SECTION 2. On and after the passage of this act, until specifically repealed, the road tax in Barnwell County shall be two dollars per year.

SECTION 3. The contingent fund herein created shall be spent only upon the written approval of the Legislative Delegation after being first approved by the County Board of Managers.

SECTION 4. Effective January 1, 1955, and each year thereafter, travel expense and/or travel expenses shall mean remuneration for services rendered.

SECTION 5. The County Board of Managers shall publish annually at the end of each fiscal year in a newspaper having general circulation in the county a report showing all of the expenditures made by the County Board of Managers during the fiscal year.

SECTION 6. No claim shall be approved or warrant issued therefor unless claims be itemized and sworn to.

SECTION 7. *Provided*, that at the end of the fiscal year 1966-67 the county treasurer is hereby authorized and directed to transfer any surplus appearing in any account to any deficit appearing in any other account, and if the surpluses are not sufficient to cover deficits the

treasurer is authorized and directed to charge the deficit against any surplus funds in hand, upon the written authority of the Legislative Delegation.

SECTION 8. In anticipation of the collection of taxes herein provided for, the Board of County Managers and the treasurer are authorized and empowered to borrow, on the credit of the county, such sums as are necessary to carry out the provisions of this act and to pledge current taxes in payment therefor. Such obligations shall be signed by the treasurer and the chairman of the Board of County Managers, attested by the clerk of such board.

The county treasurer is hereby authorized upon the approval of the Barnwell County Legislative Delegation at any time to borrow any such sum or sums of money on the credit of the county, as are necessary, for county purposes including necessary contributions to the maintenance and support of the Barnwell County Hospital.

SECTION 9. All American Legion Huts in Barnwell County are exempted from county taxes.

SECTION 10. All magistrates hereafter elected and/or appointed before qualifying shall file with the County Board of Managers good and sufficient bond conditioned for the faithful performance of their duties in the sum of five hundred dollars which bond shall be approved by the County Board of Managers.

SECTION 11. No lunatic shall hereafter be confined in or committed to the county jail except for a period not exceeding five days awaiting transfer to the State Hospital; and the Probate Judge shall make no charge for any lunacy proceedings held unless the lunatic in question shall actually be committed to the State Hospital.

SECTION 12. The County Board of Managers and/or Supervisor are hereby directed to furnish from the chain gang a suitable trusty or trustees to be assigned for work in and about the courthouse, Barnwell County Hospital and other public buildings and grounds, for the maintenance and upkeep of same, and such shall be under the direction and control of the Superintendent and Maintenance Engineer for Public Buildings. *Provided*, the Board of Managers is authorized and directed to assign a trusty from the chain gang as a laborer at the county jail.

SECTION 13. The charge for weighing cotton in Barnwell County shall be twenty cents per bale, one-half of which shall be paid by the buyer and one-half by the seller.

SECTION 14. In the expenditure of the money appropriated in this act, only one-twelfth shall be spent each month, unless upon the written approval of the Legislative Delegation.

SECTION 15. There is hereby created a County Board of Health for Barnwell County, which shall be constituted as follows: a medical doctor to be named by the Barnwell County Medical Association, a veterinarian to be named by the veterinarians of Barnwell County, one citizen to be named by the Mayor and Town Council of the Town of Barnwell and one citizen to be named by the Mayor and Town Council of the Town of Blackville and one citizen to be named by the Mayor and Town Council of the Town of Williston. The Board shall organize and elect a chairman and a secretary; it shall establish rules and regulations and enforce the same to the end that the health of the people of Barnwell County shall be promoted and protected. The Board shall have all the powers and authorities usually performed by a Board of Health, shall meet on the call of the chairman at such times as the public health requires, in cases of emergency and otherwise, and the members shall receive a per diem of five dollars each per day in attendance upon meetings of the Board and travel at five cents per mile to and from their places of residence.

SECTION 16. Barnwell County is authorized to cooperate with any State or Federal Agency in providing additional recreational facilities for the county, and the county upon the approval of the Legislative Delegation is authorized to transfer such county property as may be necessary to accomplish this end.

SECTION 17. All expenditures heretofore made upon the approval of the Barnwell County Board of Managers and the County Delegation from either the general, special or surplus funds of the County are hereby approved and ratified.

SECTION 18. Any overdrafts authorized by the County Board of Managers or by the County Delegation shall be charged to the general funds of the county and any funds so far or hereafter paid out in accordance with this plan are hereby validated.

SECTION 19. Grand and petit jurors shall each hereafter be paid at the rate of seven dollars per court attendance day.

SECTION 20. *Provided*, that the maintenance and supervision of all public buildings in Barnwell County shall be under the supervision of the County Supervisor, and the office hours and the days the offices shall be open shall be designated by the County Board of Managers.

SECTION 21. *Provided*, that the auditor and treasurer are hereby authorized and directed to levy and collect a tax of three mills on all the taxable property of Barnwell County not exempt by law, for the operation and maintenance of the Barnwell County Hospital.

SECTION 22. The Chill-Chest Company, subsidiary of Rebco, Inc. is hereby exempted from all county and school taxes for a period of five years beginning January 1, 1966.

This tax exemption shall also apply to any and all new manufacturing business enterprises of the same investment and above locating in Barnwell County.

SECTION 23. Any law enforcement officer of Barnwell County having a case before any magistrate of the county shall obtain a statement from such magistrate showing the name of the defendant, the offense for which such defendant is charged and the amount of fine received by the magistrate if the defendant is convicted. Such statement shall be furnished by each magistrate on the request of the law enforcement officer, and the law enforcement officer shall file the statement with the Treasurer of Barnwell County on or before the first day of each month following the issuance of the statement. No law enforcement officer and/or magistrate of Barnwell County who fails to comply with the provisions of this section shall receive any salary.

SECTION 24. The County Board of Managers shall make checks payable to each employee and officer for compensation provided therefor in this act. No person's compensation shall be included in the check of any other person.

SECTION 25. This act shall take effect upon approval by the Governor.

Approved the 13th day of June, 1966.

(R852, S505)

No. 1193

An Act To Amend Act 784 Of The Acts Of 1954, As Amended, Relating To The Beaufort County Water Authority, So As To Provide Compensation For The Members And Make Further Provisions For An Audit, And To Change The Name Of The Authority To The Beaufort-Jasper County Water Authority.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 2 of Act 784 of 1954 further amended—compensation of Authority.—Section 2 of Act 784 of 1954, as amended, is further amended by striking the second paragraph and inserting in lieu thereof the following:

“The members of the Authority may fix their compensation for each meeting in actual attendance upon the business of the Authority, but in no event shall such compensation exceed three hundred dollars per year for each member or four hundred twenty dollars per year for the chairman.” The section when amended shall read as follows:

“Section 2. The Authority shall be comprised of nine members, seven of whom shall be resident electors of Beaufort County, and two of whom shall be elected by and from the Jasper County Development Board and who shall be members of the Authority, ex officio. The ex officio members shall have the same powers as those of the Beaufort County Members. The Beaufort County members of the Authority shall be appointed by the Governor upon the recommendation of a majority of the Legislative Delegation of Beaufort County. Of the Beaufort County members, the respective governing bodies of the City of Beaufort and the Town of Port Royal shall each recommend to the Legislative Delegation of Beaufort County one person who may in turn be recommended to the Governor for appointment. The terms of office of the Beaufort County members and their successors shall be for six years. Any vacancy occurring for any reason among the Beaufort County members shall be filled for the remainder of the unexpired term. The terms of office of the ex officio members from Jasper County shall be at the pleasure of the Jasper County Development Board. All members of the Authority shall hold office until their successors shall have been appointed and qualify.

The members of the Authority may fix their compensation for each meeting in actual attendance upon the business of the Authority, but in no event shall such compensation exceed three hundred

dollars per year for each member or four hundred twenty dollars per year for the chairman.

The present Beaufort County members of the Authority shall hold office until the expiration of their respective terms, the provisions of this act notwithstanding."

SECTION 2. Section 1 of Act 784 of 1954 further amended—change name to Beaufort-Jasper County Water Authority.—Section 1 of Act No. 784 of 1954, as amended, is further amended by inserting after "Beaufort" on line two "-Jasper" so that, when so amended, Section 1 shall read as follows:

"Section 1. There is hereby created a body corporate and politic to be known as the Beaufort-Jasper County Water Authority (hereinafter sometimes referred to as the 'Authority'). It shall be the function of the Authority to acquire supplies of fresh water, capable of being used for industrial and domestic purposes, and to distribute such water, in the manner herein provided, for industrial and domestic use within its Service Area. To that end, it shall be empowered to construct such reservoirs, impounding dams or dykes, canals, conduits, aqueducts, tunnels, water distribution facilities, water mains and water lines, as in the opinion of the Authority may be deemed necessary, and to acquire such land, rights-of-way, easements, machinery, apparatus and equipment as shall be deemed useful therefor."

SECTION 3. Section 7 of Act 784 of 1954 amended—fiscal year—audit.—Section 7 of Act 784 of 1954 is amended by striking it in its entirety and inserting in lieu thereof the following:

"Section 7. The Authority shall conduct its affairs on the fiscal year basis employed by the State, viz., its fiscal year shall begin July first of each year and shall end on the thirtieth day of June of the succeeding year. Within ninety days an audit of its affairs shall be made by certified public accountants, of good standing, to be designated by the Authority. Copies of such audits, incorporated into an annual report of the Authority, shall be filed in the office of the Clerks of Court for Beaufort and Jasper Counties, with the Beaufort and Jasper Legislative Delegation, and with the Secretary of State."

SECTION 4. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 11th day of March, 1966.

(R923, H1891)

No. 1194

An Act To Grant To Beaufort County Upon Certain Conditions All Right, Title, Interest And Estate Of The State Of South Carolina In A Lot Of Marshland Lying West Of U. S Highway 21 In Beaufort County.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Title to marshland granted to Beaufort County.—

There is hereby granted unto Beaufort County for use for public purposes all right, title, interest and estate now vested in the State of South Carolina, of, in and to that portion of the marshland, with the fill thereon, lying adjacent to U. S. Highway 21 and Beaufort River on Lady's Island, Beaufort County, South Carolina, which may be more particularly described as follows: bounded on the north by the low watermark of Beaufort River, on the east by the western edge of the causeway right-of-way of U. S. Highway 21, on the south by high land belonging to W. W. Bailey, et al., and on the west by the western edge of the right-of-way of the abandoned causeway of the old Lady's Island bridge and the extension thereof to the waters of Beaufort River.

SECTION 2. Reversion.—If the land conveyed by Section 1 of this act ceases to be used for public purposes then the title thereto shall automatically revert to the State of South Carolina.

SECTION 3. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 29th day of March, 1966.

(R962, S655)

No. 1195

An Act To Empower The County Board Of Education Of Beaufort County To Borrow Not Exceeding Three Hundred Fifty Thousand Dollars In Order To Provide Further Public School Facilities In School District No. 1 Of Beaufort County; To Prescribe The Terms And Conditions Under Which Such Borrowing Shall Be Effected; And To Make Provision For The Payment Thereof.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Findings of General Assembly.—The General Assembly finds that additional school facilities, in the form of an elementary school, are greatly needed in School District No. 1 of Beaufort County, and that while the entitlements available to the school district pursuant to Article 2, Chapter 10, Title 21, of the 1962 Code, are not such as would permit the immediate construction of this facility, such entitlements over the next few ensuing years should be such as to provide the funds now required. It has, therefore, determined to authorize the County Board of Education of Beaufort County (the county board), as the governing board and central authority of the Beaufort County public school system, and the Treasurer of Beaufort County to borrow such sum as shall be required for the above purpose, in order that the construction of such facility can be instituted at once, under the terms and conditions of this act.

SECTION 2. School District No. 1, Beaufort County, may borrow money.—If the Board of Trustees of School District No. 1 of Beaufort County shall approve and shall evidence such approval by the adoption of an appropriate resolution, the county board and the county treasurer shall be empowered to borrow not exceeding three hundred fifty thousand dollars for the purpose of making funds available for the construction and equipping of an elementary school building in Beaufort County.

SECTION 3. Note may be issued—interest—maturity.—Such borrowing shall be evidenced by a note of School District No. 1 of Beaufort County, bearing such date and rate of interest, having such maturity, not exceeding five years from the date thereof, and in such form as the county board shall determine. Any note issued pursuant to this act shall be executed in such manner as the county board shall provide, but shall be countersigned or attested by the Treasurer of Beaufort County.

SECTIONS 4. Conditions.—The borrowing hereby authorized shall be effected in such manner as the county board shall determine and may be negotiated with the State Budget and Control Board of South Carolina, Division of General Services, or with any private banking institution.

SECTION 5. Form—date—maturity.—In fixing the date, interest payment date and maturity, the county board shall endeavor to make the same conform to the anticipated date on which entitlements pursuant to Article 2, Chapter 10, Title 21, of the 1962 Code, shall be

received and all such entitlements to which School District No. 1 of Beaufort County shall become entitled shall be applied to the payment of the principal and interest of the loan, until it shall be paid in full, and for no other purpose.

SECTION 6. Payment.—For the payment of the loan, both principal and interest, the full faith and credit of School District No. 1 of Beaufort County shall be pledged and there shall be annually levied and collected by the Auditor and Treasurer of Beaufort County an ad valorem tax upon all taxable property in the district sufficient to provide for the payment of the principal and interest thereof, but the ad valorem tax shall be reduced to the extent that there shall be moneys available for the payment of the note from the entitlements to which School District No. 1 shall be entitled pursuant to Article 2, Chapter 10, Title 21, of the 1962 Code.

SECTION 7. Powers to be additional.—The powers granted by this act shall be in addition to all other powers granted to the county board.

SECTION 8. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 7th day of April, 1966.

(R1254, H2398)

No. 1196

An Act Providing For The Creation Of Watershed Conservation Districts In Beaufort County, And The Election Of Directors Of Watershed Conservation Districts, And Their Powers And Duties; And Providing For A Levy Of Taxes For The Organization And Administration Of Such Districts, And For The Construction, Operation And Maintenance Of Works Of Improvement Within Such Districts.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Definitions.—Whenever used or referred to in this act, unless a different meaning clearly appears from the context:

(1) "Watershed conservation district" means a governmental subdivision of this State, and a public body corporate and politic, organized in accordance with the provisions of this act, for the pur-

poses, with the powers, and subject to the restrictions hereinafter set forth.

(2) "Director" means one of the members of the governing body of a watershed conservation district, elected in accordance with the provisions of this act.

(3) "Supervisor" means one of the members of the governing body of the Beaufort-Jasper Soil and Water Conservation District in which any part of a watershed conservation district is situated.

(4) "Petition" means a petition filed under the provisions of Section 4 of this act for the creation of a watershed conservation district.

(5) "County" means Beaufort County of South Carolina.

(6) "Landowner" or "owner of land" includes any person, firm or corporation who shall hold legal or equitable title to any lands lying within a watershed conservation district organized under the provisions of this act.

(7) "Due notice" means notice published at least twice, with an interval of at least one week between the two publication dates, in a publication of general circulation within the appropriate area, or, if no such publication of general circulation be available, notice posted at a reasonable number of conspicuous places within the appropriate area, such posting to include, where possible, posting at public places where it is customary to post notices concerning county or municipal affairs generally. Notices shall be sent by registered mail to landowners within the appropriate area.

SECTION 2. Watershed conservation districts may be formed in Beaufort County.—Authority is hereby granted to form watershed conservation districts within Beaufort County for the purpose of developing and executing plans and programs relating to any phase of the control and prevention of soil erosion, flood prevention, or the conservation, development, utilization and disposal of water.

SECTION 3. Area.—The area embraced in a watershed conservation district must be contiguous and must lie within a well-defined watershed; and such area shall not include lands located within the boundary of any incorporated city or town, or lands embraced in another watershed conservation district.

SECTION 4. Petition for formation.—When twenty-five or more landowners within a proposed watershed conservation district, or, if less than fifty landowners are involved, a majority of such landown-

ers, desire to form a watershed conservation district, they shall file a petition with the supervisors of the soil and water conservation district asking that a watershed conservation district be organized to function in the area described in the petition. Such petition shall set forth: the proposed name of the watershed conservation district; that there is need, in the interest of the public health, safety and welfare, for a watershed conservation district to function in the territory described in the petition; a description of the territory proposed to be organized as a watershed conservation district, which description need not be given by metes and bounds or by legal subdivisions, but shall be deemed sufficient if generally accurate; and the approximate number of acres of land included in the proposed watershed conservation district.

SECTION 5. Hearing on petition.—(1) Within thirty days after such petition has been filed with the supervisors, they shall cause due notice to be given of a hearing upon the question of the desirability and necessity, in the interest of the public health, safety and welfare, of the creation of such watershed conservation district. All interested parties shall have the right to attend such hearing and to be heard. If it shall appear at the hearing that other lands should be included in the petition or that lands included in the petition should be excluded, the supervisors shall permit such inclusion or exclusion, provided the land area involved still meets the requirements of Section 3 of this act.

(2) If it appears upon the hearing that it may be desirable to include within the proposed watershed conservation district territory outside of the area within which due notice of the hearing has been given, the hearing shall be adjourned and due notice of a further hearing shall be given throughout the entire area considered for inclusion in the proposed watershed conservation district, and such further hearing shall be held. After final hearing, if a majority of the supervisors determine, upon the facts presented at the hearing and upon other available information, that there is need, in the interest of the public health, safety and welfare, for a watershed conservation district to function in the territory considered at the hearing, they shall make and record such determination, and shall define the area, but the description need not be given by metes and bounds. The description shall be deemed sufficient if generally accurate and the approximate number of acres of land included in the proposed watershed conservation district is shown.

(3) If a majority of the supervisors fail to determine after the hearing that there is a need for a watershed district, the petition for such district shall be denied.

SECTION 6. Referendum.—If a majority of the supervisors make and record a determination that there is need, in the interest of the public health, safety and welfare, for a watershed conservation district to function in the territory considered at the hearing, and have defined the boundaries thereof, they shall consider the question of whether the operation of a watershed conservation district within the proposed boundaries with the powers conferred upon it by this act is administratively practicable and feasible. To assist the supervisors in making this determination, they shall, within a reasonable time after the entry of a finding that there is need for the organization of a watershed conservation district and the determination of the boundaries thereof, hold a referendum within the proposed watershed conservation district upon the proposition of the creation of the watershed conservation district. Due notice of the referendum shall be given by the supervisors. Such notice shall state the date of holding the referendum, the hours of opening and closing the polls, and shall designate one or more places within the proposed watershed conservation district as polling places and shall give notice that the directors shall have the power of eminent domain. The supervisors shall have full charge of the referendum and shall have suitable ballots printed and furnished to each polling place; shall appoint necessary box managers and other referendum officials; and shall canvass the referendum and announce the results. The cost of holding the referendum shall be paid from the General Fund of Beaufort County. *Provided*, that notwithstanding any provision of law to the contrary, the power of eminent domain shall not be exercised over the protest of any landowner until it is conclusively established by the governing body of the watershed conservation district that the land proposed to be condemned is absolutely essential to the creation and operation of the watershed conservation district.

SECTION 7. Question.—The question to be voted on shall be submitted by ballots upon which appear the words:

“For the creation of Watershed Conservation District”

“Against creation of Watershed Conservation District”

A square shall follow each proposition. The ballot shall contain a direction to insert an “X” mark in the square following one or the

other of the propositions as the voter may favor or oppose creation of the watershed conservation district. The ballot shall set forth the boundaries of the proposed watershed conservation district as determined by the supervisors. No one except owners of lands lying within the boundaries of the proposed watershed conservation district, as determined by the supervisors, shall be eligible to vote in the referendum. Where a parcel of land within the boundaries of the watershed conservation district is owned by more than one person under a joint tenancy or tenancy in common, not more than two such owners may vote in any election held under this act. Qualified voters may vote by absentee ballot in the referendum under such rules and regulations as may be prescribed by the supervisors. No informalities in the conduct of the referendum or in any matters relating thereto shall invalidate the referendum or the result thereof if notice of the referendum shall have been given substantially as herein provided and the referendum shall have been fairly conducted.

SECTION 8. Results—district to be created if results and determination favorable.—The votes shall be counted by the referendum officials at the close of the polls and a report of the results, along with the ballots, shall be delivered and certified to the supervisors; and thereafter the supervisors shall determine whether the operation of a watershed conservation district within the defined boundaries is administratively practicable and feasible. If the supervisors determine that the operation of such district is not administratively practicable and feasible, they shall record such determination and deny the petition. If the supervisors determine that the operation of such district is administratively practicable and feasible, they shall record such determination and shall proceed with the organization of such district in the manner hereinafter set forth; *provided*, however, that the supervisors shall not have authority to determine that the operation of such district is administratively practicable and feasible unless at least a majority of the votes cast in the referendum upon the proposition of the creation of such district shall have been cast in favor of the creation of such district. If the supervisors shall determine that the operation of such district is administratively practicable and feasible, they shall certify such determination to the Clerk of Court of Beaufort County and to the Secretary of State. Upon proper recordation of such determination, such watershed conservation district shall constitute a governmental subdivision of this State and a public body corporate and politic. After being recorded, such certification shall be filed with the State Soil Conservation Committee.

SECTION 9. Board of directors to govern district—nominating petitions—election—ballots—terms—officers—bond of treasurer.

—(1) The governing body of the watershed conservation district shall consist of five directors, elected as provided herein.

(2) Within thirty days after a watershed conservation district has been created, nominating petitions may be filed with the supervisors to nominate candidates for directors of the watershed conservation district. No such nominating petition shall be accepted by the supervisors unless it is signed by twenty-five or more landowners within the watershed conservation district, or, if less than fifty landowners are involved, by a majority of such landowners. If the candidates nominated do not exceed the number of directors to be chosen, the supervisors shall declare them to be elected. No person shall be eligible to be a director of a watershed conservation district who is not a landowner in the watershed conservation district in which he seeks election.

(3) If the candidates nominated for directors of the watershed conservation district exceed the number of directors to be chosen, the supervisors shall, after having given due notice thereof, cause an election to be held within the watershed conservation district within a reasonable time after the expiration of the nominating period. The provisions of Sections 5, 6 and 7 of this act as to notice, qualifications of voters, absentee voting, and the manner of holding the referendum in organizing a watershed conservation district, shall apply insofar as practicable to the election of the directors. The names of all qualified nominees shall be printed in alphabetical order upon ballots with a square before each name and a direction to insert an "X" mark in the square before any five names to indicate the voter's preference. Only landowners within the watershed conservation district shall be eligible to vote in the election. The five candidates who shall receive the largest number respectively of the votes cast in the election shall be the directors of the watershed conservation district, and shall, upon the supervision of the supervisors, be the governing body of the watershed conservation district.

(4) Of the directors first elected, the two receiving the largest number of votes shall serve for terms of four years, the two receiving the next largest number of votes shall serve for terms of three years, and the one receiving the next largest number of votes shall serve for a term of two years. The term of office of each of their successors shall be for four years, and until their successors have been elected

and qualify. Vacancies shall be filled by selection by the supervisors for the unexpired portion of the term only.

(5) The directors shall annually designate from among their number a chairman, secretary, and treasurer. The treasurer shall execute an official bond for the faithful performance of the duties of his office, to be approved by the directors. Such bond shall be executed by a surety company authorized to do business in this State and shall be in an amount determined by the directors. The premium on each bond shall be paid by the watershed conservation district.

SECTION 10. District to be corporate body—powers and duties.

—A watershed conservation district organized under the provisions of this act shall constitute a governmental subdivision of this State, and a public body corporate and politic, exercising public powers, and such district and the directors thereof shall, subject to the approval of the supervisors, have the following powers, in addition to others granted in other sections of this act:

(1) To acquire, by purchase, exchange, lease, gift, grant, bequest, devise, or otherwise, or through condemnation proceedings in the manner provided in Sections 25-101 through 25-140 and Sections 33-121 through 33-148, Code of Laws of South Carolina, 1962, such lands, easements or rights-of-way as are needed to carry out any authorized purpose of the watershed conservation district; and to sell, lease, or otherwise dispose of any of its property or interests therein in furtherance of the purposes and provisions of this act; *provided*, that the power of eminent domain conferred hereunder shall not extend to the property of any public utility or public service corporation that the utility or public service corporation could have acquired under its power of eminent domain;

(2) To construct, reconstruct, repair, enlarge, improve, operate, and maintain such works of improvement as may be necessary or convenient for the performance of any of the operations authorized by this act;

(3) To borrow money and to execute promissory notes and other evidences of debt in connection therewith for payment of the costs and expenses of organizing the watershed conservation district or for carrying out any authorized purpose of such district, and if promissory notes are issued, to execute such mortgages on any property owned by such district, or assign or pledge such revenues or assessments of such district as may be required by the lender as security for the repayment of the loan; and to issue, negotiate, and

sell its bonds as provided in Section 11 of this act; *provided*, that the indebtedness of the district other than bonded indebtedness shall not exceed ten thousand dollars;

(4) To levy an annual tax on the real property within the district, subject to the limitations provided in Section 13 of this act for payment of the costs and expenses of organizing the watershed conservation district, or for carrying out any authorized purpose of such district. Such levy shall be made only after approval by the supervisors and upon notifying the county auditor; and

(5) Where watersheds cross county or state lines, the watershed directors are authorized to work with similar organizations in determining cost sharing to solve common problems.

SECTION 11. Bonds not to be issued unless referendum held.—

(1) Bonds authorized by Section 10 of this act shall not be issued until proposed by order or resolution of the directors, specifying the purpose for which the funds are to be used and the proposed undertaking, the amount of bonds to be issued, the rate of interest they are to bear, and the amount of any necessary tax levy in excess of the maximum authorized in Section 13 of this act. A copy of the order or resolution shall be certified to the supervisors.

(2) The supervisors shall hold a hearing on such proposal after having given due notice. If it appears that the proposal is within the scope and purpose of this act and meets all other requirements of law, the proposal shall be submitted to the landowners of the district by a referendum held by the supervisors.

(3) The provisions of Sections 5, 6 and 7 of this act as to notice, qualifications of voters, absentee voting, and manner of holding the referendum in organizing a watershed conservation district shall apply to the referendum held under this section.

(4) If two-thirds of the votes cast in such referendum favor the proposal, the directors shall, with the approval of the supervisors, be authorized to issue such bonds.

SECTION 12. Compensation.—The directors shall receive no compensation for their services, but they may be reimbursed for expenses, including traveling expenses, necessarily incurred in the performance of their duties as approved by the supervisors.

SECTION 13. Budget—tax levy.—Within the first quarter of each calendar year, the directors of the watershed conservation district shall prepare an itemized budget of the funds needed for administration of

the watershed conservation district and for construction, operation and maintenance of works of improvement. After approval of such budget by the supervisors, the county auditor shall levy a tax sufficient to meet such budget on all real property within the watershed conservation district of not to exceed five mills on each dollar of assessed valuation, except that this limitation shall not apply to any levy necessary to provide a sinking fund for the retirement of bonds authorized by Section 11 of this act. A copy of such budget shall be certified to the Auditor of Beaufort County.

SECTION 14. List of landowners and acres subject to assessment.—(1) The directors of the watershed conservation district, with the assistance of the county auditor, shall prepare a list of the landowners involved, showing the number of acres subject to assessment.

(2) When the property tax rolls are delivered to the county treasurer by the county auditor, as required by law, the county treasurer shall compute the tax due the watershed conservation district from each landowner in accordance with the rate fixed by the directors and the value of the real property indicated on the tax roll. The computation shall be made on the regular tax bills.

SECTION 15. Collection of taxes.—(1) The county treasurer shall collect the taxes due the watershed conservation district at the same time and in the same manner as he collects other taxes of the county.

(2) The taxes shall be subject to the same due and delinquency dates, discounts, penalties and interest as are applied to the collection of county taxes.

SECTION 16. Expenditures.—Tax funds collected shall be transferred to and held by the treasurer of Beaufort County for the specific purpose for which they have been collected. All expenditures of such funds shall be made by the directors of the watershed conservation district with the approval of the supervisors.

SECTION 17. Petition to have lands detached.—The owners of lands which have not been, are not and cannot be benefited by their inclusion in the watershed conservation district may petition the supervisors to have such lands detached. The petition shall describe such lands and state the reasons why they should be detached. A hearing shall be held by the supervisors within thirty days after the petition is filed and due notice of such hearing shall be given by the super-

visors. If it is determined by the supervisors that such lands shall be detached, such determination shall be certified to the Auditor of Beaufort County for recording. After being recorded, the certification shall be filed with the State Soil and Water Conservation Committee.

SECTION 18. Petition for discontinuance of district—hearing—referendum—discontinuance if election and determination favorable.—(1) At any time after two years after the organization of a watershed conservation district, twenty-five or more landowners within such district, or if less than fifty landowners are involved, a majority of such landowners, may file a petition with the supervisors asking that the existence of the watershed conservation district be discontinued. The petition shall state the reasons for discontinuance, and that all obligations of the watershed conservation district have been met. The supervisors may conduct such hearings upon the petition as may be necessary to assist them in the consideration thereof.

(2) Within sixty days after such petition is filed with the supervisors, they shall give due notice of the holding of a referendum. The supervisors shall hold such referendum substantially as provided for in Section 11 of this act. The question shall be submitted by ballots upon which the words “For terminating the existence of the Watershed Conservation District” and “Against terminating the existence of Watershed Conservation District” shall be printed, with a square before each proposition and a direction to insert an “X” mark in the square before one or the other of the propositions as the voter may favor or oppose the discontinuance of the watershed conservation district. Only landowners within the watershed conservation district shall be eligible to vote in such referendum. No informality in the conduct of the referendum or in any matters relating thereto shall invalidate the referendum or the results thereof if notice of the referendum shall have been given substantially as herein provided and the referendum shall have been fairly conducted.

(3) The supervisors shall publish the results of the referendum and shall thereafter determine whether the continued operation of the watershed conservation district is administratively practicable and feasible. If the supervisors determine that the continued operation of the watershed conservation district is administratively practicable and feasible, they shall record such determination and deny the petition. If the supervisors determine that the continued opera-

tion of the watershed conservation district is not administratively practicable and feasible, they shall record such determination and shall certify such determination to the directors of the watershed conservation district; *provided*, however, that the supervisors shall not be authorized to determine that the continued operation of the watershed conservation district is administratively practicable and feasible unless at least a majority of the votes cast in the referendum shall have been cast in favor of the continuance of the watershed conservation district.

(4) Upon receipt from the supervisors of a certification that they have determined that the continued operation of the watershed conservation district is not administratively practicable and feasible, the directors shall forthwith proceed to terminate the affairs of the watershed conservation district. A copy of the determination shall be certified to the Auditor of Beaufort County for recording. After being recorded, the certification shall be filed with the State Soil and Water Conservation Committee.

SECTION 19. Supervisory authority if district discontinued.—

If the Beaufort-Jasper County Soil and Water Conservation District is discontinued, all supervisory authority over the affairs of the watershed conservation district which was previously exercised by the supervisors shall thereafter be exercised by the governing body of Beaufort County.

SECTION 20. This act shall take effect upon approval by the Governor.

Approved the 14th day of May, 1966.

(R1285, S800)

No. 1197

An Act To Create The Beaufort County Memorial Hospital, Provide For The Appointment Of A Board Of Regents, Prescribe Its Powers And Duties, Provide For The Maintenance And Operation Of The Hospital And To Repeal Acts 777 Of 1942, 492 of 1944 And 902 Of 1948, Relating To The Beaufort County Hospital Association.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Beaufort County Memorial Hospital created.—

There is hereby created the Beaufort County Memorial Hospital to

be governed by a board of regents consisting of nine members to be appointed by a majority of the county legislative delegation, including the Senator. The original appointments shall be four for two years and five for four years; thereafter, all appointments shall be for four years and until their successors are duly appointed and qualified. *Provided*, that the original appointments pursuant to this act shall include the present members of the Board of Regents of the Beaufort County Hospital Association. Any vacancy caused by death, resignation or otherwise shall be filled in the same manner in which appointments are made. The members of the board shall receive no salary but, while in attendance at a meeting, shall be entitled to per diem and mileage not to exceed ten dollars.

SECTION 2. Board members—chairman—officers.—The members of the board of regents shall meet as soon as practicable after all appointments have been made and elect one of its members as chairman and such other officers as it may deem necessary. The officers shall serve for two years or until their successors have been elected.

SECTION 3. Property of Beaufort County Hospital Association.—All the property, real and personal, and funds that are now in the control of the Beaufort County Hospital Association shall become the property of the Beaufort County Memorial Hospital.

SECTION 4. Funds—administrator.—The board is authorized to equip, maintain and operate the hospital out of funds provided by the annual county appropriations act. The board shall employ a competent administrator who shall be its direct executive representative in the management of the hospital.

SECTION 5. Powers and duties.—The board shall have the following powers and duties:

- (1) To adopt and use a corporate seal;
- (2) To adopt such bylaws, rules and regulations for the conduct of its business and expenditure of its funds, as it may deem advisable;
- (3) To acquire by gift, purchase, lease or otherwise, all kinds and descriptions of real and personal property;
- (4) To accept gifts, grants, donations, devises and bequests;
- (5) To enlarge and improve any hospital building that it may acquire or construct;
- (6) To adequately staff and equip any hospital that it may operate;
- (7) To provide and operate out patient departments;

(8) To establish and operate such clinics as the board may deem necessary to the health of the residents of Beaufort County;

(9) To employ such personnel as it may deem necessary for the efficient operation of the several facilities maintained by the board;

(10) To establish and promulgate reasonable rates for the use of the services and facilities afforded by the board;

(11) To provide reasonable regulations concerning the use of the facilities maintained by the board including reasonable rules governing the conduct of physicians, nurses and technicians while on duty or practicing their profession in the facilities maintained by the board;

(12) To define eligibility requirements for patients for charity services, to operate and maintain necessary services for such patients, to contract with third parties for reimbursement for services rendered to such patients, and to collect partial payment from patients unable to pay the rates established by the board;

(13) To expend the proceeds derived from the charges made for the use of the services and facilities of the hospital for the operation and maintenance thereof;

(14) To arrange with the proper authorities of any adjoining county, upon such financial terms as are agreeable to each, to admit and care for charity cases from such adjoining county; *provided*, that patients may be admitted to the hospital from any place whatsoever;

(15) To expend any funds received in any manner, and the proceeds derived from the issue of bonds, to defray any costs incident to establishing, constructing, equipping and maintaining any hospital;

(16) To apply to the Federal Government and any other governmental agency for a grant of moneys to aid in the construction and equipment of any hospital;

(17) To dispose of any property, real or personal, that it may possess, provided always that it shall not dispose of the hospital building;

(18) To enter into contracts for hospital care with any association or agency of the Federal government having a hospital care program;

(19) To exercise the power of eminent domain, in the manner provided by the general laws of the State of South Carolina for procedure by any county, municipality or authority created by or organized under the laws of this State, or by the State Highway Department, or by railroad corporations.

SECTION 6. Bonds.—Bonds or notes of the hospital shall be issued by the governing body of the county upon the authorization of the county legislative delegation. The funds received from such issue shall be deposited with the county treasurer.

SECTION 7. Audit.—The board shall file a copy of an annual audit of the financial operations of the hospital with the governing body of the county and the county legislative delegation. During the month of January of each year the board shall furnish to the legislative delegation its budget requests for the succeeding fiscal year.

SECTION 8. Hospital—board to manage.—The board shall manage and control the hospital and its financial affairs, but shall have no authority to create any financial obligation on the county beyond the amounts appropriated for the hospital.

SECTION 9. Acts 777 of 1942, 492 of 1944 and 902 of 1948 repealed.—Acts 777 of 1942, 492 of 1944 and 902 of 1948 are repealed.

SECTION 10. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 8th day of June, 1966.

(R1321, H2659)

No. 1198

An Act To Authorize The Forest Beach Public Service District In Beaufort County To Pledge The Full Faith And Credit Of The District To The Payment Of The Principal And Interest Of Its Obligations.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Forest Beach Public Service District—Beaufort County—may pledge full faith and credit.—Notwithstanding the provisions of Section 6 of Act No. 481 of 1961, relating to the borrowing of money and the pledging of credit of the State of South Carolina, Beaufort County and the Forest Beach Public Service District, for the payment of the principal and interest of obligations of the district, the Forest Beach Public Service District is hereby authorized to pledge the full faith and credit of the district for the payment of the principal and interest of its obligations not to exceed the sum of \$20,000.00.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 8th day of June, 1966.

(R1326, H2594)

No. 1199

An Act To Provide For The Levy Of Taxes For County, School And Other Purposes For The Year 1966-1967, And Direct The Expenditure Thereof, In Beaufort County; To Provide For Borrowing Money Under Certain Circumstances; and To Otherwise Regulate The Fiscal And Financial Affairs Of The County.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. A tax of so many mills as are necessary is hereby levied on all taxable property in Beaufort County, for county and school purposes, for the fiscal year beginning July 1, 1966, and ending June 30, 1967, for the amounts and purposes hereinafter mentioned. The millage levy shall not exceed that number of mills, or fractions thereof, actually necessary to raise the sums herein appropriated. Such millage shall be determined by the Beaufort County Auditor and Treasurer, subject to the approval of a majority of the Beaufort County Legislative Delegation, including the Senator.

SECTION 2. For the fiscal year commencing July 1, 1966, there is hereby appropriated out of the general fund, if so much be necessary, the following:

1000	Legislative:	
1002	Salary of Secretary	\$ 1,000.00
	<i>Provided</i> , that item 1002 is to be combined with item 1802 for the joint payment of the services of one secretary.	
1012	Telephone	800.00
1014	Travel	1,000.00
1015	Printing and Office Supplies	250.00
1016	Postage	50.00
1049	Unclassified	100.00
	Total	\$ 3,200.00

1100	Executive:	
1101	Salaries of Directors, Chairman @ \$600.00, 8 members @ \$440.00, beginning January 1, 1967	3,110.25
1102	Salary of Executive Secretary	5,980.00
1103	Clerical Salaries	3,640.00
1104	Special Clerical	2,080.00
1112	Telephone	300.00
1113	Rent, Repairs and Service Contracts on Office Equipment	600.00
1114	Travel	900.00
1115	Printing & Office Supplies	1,000.00
1116	Postage	200.00
1150	Capital Outlay	370.00
	Total	\$ 18,180.25
1200	Judicial:	
1201	Salary of Probate Judge	\$ 5,500.00
1202	Salary of Deputy Probate Judge	3,640.00
1203	Salaries of Magistrates:	
	Beaufort Township	4,800.00
	St. Helena Township	2,050.00
	Sheldon Township	1,500.00
	Bluffton Township	1,400.00
	Hilton Head Township	1,400.00
	Daufuskie Island	700.00
1204	Constable—Daufuskie Island	330.00
1205	Jurors, Witnesses, etc.,—per diem	13,000.00
1212	Telephone	170.00
1213	Rent, Repairs & Service Contracts	50.00
1215	Printing & Office Supplies	400.00
1216	Postage	90.00
1241	Lunacies	150.00
1250	Capital Outlay	75.00
	Total	\$ 35,255.00
1300	Elections:	
1305	Clerical Salaries	\$ 100.00
1315	Printing & Office Supplies	25.00
1349	Miscellaneous	75.00
	Total	\$ 200.00

1400	Treasurer's Office:	
1401	Salary of County Treasurer	\$ 3,423.00
1403	Clerical Salaries:	
	Delinquent Tax Clerk	3,796.00
	Clerk I	3,640.00
	Clerk II	3,380.00
1412	Telephone	200.00
1413	Rent, Repairs & Service Contracts on Office Equipment	250.00
1414	Travel	100.00
1415	Printing & Office Supplies	1,100.00
1416	Postage	2,500.00
1450	Capital Outlay	650.00
Total		\$ 19,039.00
1500	Tax Assessment:	
1501	Salary of County Auditor	\$ 3,423.00
1502	Salary of Special Tax Assessor	7,500.00
1502.1	Salary of Draftsman—Assistant Assessor	4,800.00
1503	Clerical Salaries:	
	Clerk I for Auditor's Office	3,640.00
	Clerk II for Auditor's Office	3,380.00
1512	Telephone	200.00
1513	Rent, Repairs & Service Contracts on Office Equipment	300.00
1514	Travel	1,450.00
1515	Printing & Office Supplies	2,100.00
1516	Postage	50.00
1550	Capital Outlay	775.00
Total		\$ 27,618.00
1600	Recording of Public Documents:	
1601	Salary of Clerk of Court	\$ 9,000.00
1602	Salary of Deputy Clerk of Court	4,200.00
1603	Clerical Salaries	3,640.00
1612	Telephone	360.00
1613	Rent, Repairs & Service Contracts on Office Equipment	1,000.00
1615	Printing & Office Supplies	5,000.00
1616	Postage	320.00

1650	Capital Outlay	500.00
	Total	\$ 24,020.00
1700	General Government Buildings:	
1704	Salaries of Janitors	\$ 12,600.00
1711	Heat, Lights & Water	12,000.00
1718	Repairs to Buildings	5,000.00
1722	Cleaning & Sanitation	1,000.00
1727	Other Operating Supplies	300.00
1731	Insurance on Buildings	4,000.00
1750	Capital Outlay	2,735.00
	Total	\$ 37,635.00
1800	Beaufort County Development Commission:	
1801	Salary of Executive Director	\$ 6,000.00
1802	Salary of Executive Secretary	2,640.00
1805	Per diem of Board members	1,500.00
1806	Professional & Engineering Fees	2,000.00
1812	Telephone	600.00
1813	Rent, Repairs & Service Contracts on Office Equipment	150.00
1814	Travel	3,000.00
1815	Printing & Office Supplies	400.00
1816	Postage	150.00
1841	Advertising, promotion & publications	3,000.00
1849	Unclassified	300.00
1850	Capital Outlay	450.00
	Total	\$ 20,190.00
1900	Professional Services:	
1905	Independent Audit	\$ 5,000.00
1906	Legal Services	300.00
	Total	\$ 5,300.00
2000	Sheriff's Department:	
2001	Salary of Sheriff	\$ 9,000.00
2002	Salaries of Deputy Sheriffs:	
	Chief Deputy	\$ 6,000.00
	Sergeant	5,580.00
	6 Deputy Sheriffs	31,680.00

	Night Deputy	4,800.00
	Night Desk Deputy	4,500.00
2003	Clerical Salaries	3,640.00
2004	Salaries of Special Deputies	450.00
2012	Telephone	800.00
2013	Rent, Repairs & Service Contracts on Office Equipment	100.00
2015	Printing & Office Supplies	350.00
2016	Postage	125.00
2019	Repairs to Vehicles & Other Equipment	4,000.00
2021	Fuels & Lubricants	5,655.00
2024	Uniforms	1,500.00
2027	Other Operating Supplies	800.00
2034	Insurance	500.00
2049	Education	500.00
	<i>Provided</i> , that out of this item shall be paid only the cost of tuition, transportation and per diem of \$10.00 per day while attending any school or course outside Beaufort County,	
2050	Capital Outlay	9,125.00
	Total	\$ 89,105.00
2100	Jail:	
2101	Salary of Jailor	\$ 3,060.00
2106	Medical Services	200.00
2112	Telephone	80.00
2119	Repairs to Machinery & Equipment	100.00
2122	Household & Cleaning Supplies	1,500.00
2123	Medical Supplies	200.00
2124	Clothing & Uniforms	850.00
2127	Other Operating Supplies	750.00
2141	Prisoner Subsistence	14,000.00
	Total	\$ 20,740.00
2300	Coroner:	
2301	Salary of Coroner	\$ 1,536.00
2305	Juror's Fees	250.00
2306	Medical & Burial Services	600.00
2314	Expense Allowance, Coroner	1,000.00
2315	Office Supplies & Printing	100.00
2341	Post Mortems	300.00

2350	Capital Outlay	200.00
	Total	\$ 3,986.00
2400	Miscellaneous Public Safety:	
2412	Telephones—Lady's Island Fire Tower, S. C. Highway Patrol, S. C. Probation & Parole Board & Lady's Island Airport	\$ 1,000.00
	<i>Provided</i> , that phone service shall be at base rate, not to include any long distance calls.	
	Total	\$ 1,000.00
3000	Highways, Bridges, Landings, Docks and Drainage:	
3001	Salary of County Supervisor	\$ 7,200.00
3004	Other Wages	90,324.00
3006	Engineering Fees	1,000.00
3012	Telephone	500.00
3017	Contractual Services	1,000.00
3019	Repairs to Vehicles & Departmental Equip- ment	13,000.00
3021	Fuels & Lubricants	8,500.00
3027	Other Operating Supplies	17,000.00
3034	Insurance	2,450.00
3041	For preparation of Master Drainage Plan	3,500.00
3050	Capital Outlay	15,800.00
3051	Rights of Way, Borrow Pits and/or Dumps ..	2,500.00
	<i>Provided</i> , that out of the funds above appro- priated the sum of not less than \$10,000.00 shall be used for drainage in Beaufort County.	
	Total	\$162,774.00
4000	Health Unit:	
	Beaufort County Health Department	\$ 37,100.00
	Total	\$ 37,100.00
4100	Miscellaneous Health:	
4141	Mosquito Control	\$ 5,000.00
	<i>Provided</i> , this amount shall be in addition to any funds received from any agency of the State or Federal Government.	
	Total	\$ 5,000.00

4200	Mental Health Clinic:	
4201	Coastal Empire Mental Health Clinic—for operation	\$ 12,500.00
	Total	\$ 12,500.00
5000	Department of Public Welfare:	
5001	Salary Supplement of Director	\$ 427.00
5002	Salary Supplement	190.00
5012	Telephone	350.00
5014	Travel	800.00
5041	Emergency & Administrative Funds	1,560.00
5042	Foster Care Fund	300.00
	Total	\$ 3,627.00
5100	Miscellaneous Public Welfare:	
5114	Expense allowance—County Service Officer ..	\$ 1,200.00
	Total	\$ 1,200.00
6000	Farm & Home Demonstration:	
6001	Salary of Assistant County Agent	\$ 272.00
6002	Salary of Assistant Home Demonstration Agent ..	280.00
6003	Clerical Assistance	184.00
	Clerical Assistance	1,800.00
6012	Telephone	510.00
6027	Demonstration Supplies	350.00
6043	4-H Camp	400.00
6048	Office Rent	1,932.00
	Total	\$ 5,728.00
7000	Grants & Contributions:	
7100	National Guard Unit	\$ 300.00
7200	Beaufort County Civil Defense	4,485.00
7300	Beaufort County Chamber of Commerce	8,390.00
7400	Hilton Head Chamber of Commerce	4,500.00
7500	Beaufort Water Festival	1,500.00
7600	Recreation Contributions, Beaufort Township..	15,000.00
7700	Kate Gleason Memorial Park, Maintenance ..	500.00
7800	Port Royal Pilot Commission	50.00
7900	Beaufort County Historical Society Museum ..	500.00
7900.2	Operation of ASC Office	360.00
	Total	\$ 35,585.00

8000	Personnel Benefits & Other:	
8032	Workmen's Compensation Insurance	\$ 3,500.00
8033	Surety Bonds	1,310.00
8034	Insurance—Other	125.00
8035	Social Security (FICA) Taxes	13,890.00
8036	S. C. Retirement System Contributions	16,800.00
8038	State Police Officers' Retirement	5,500.00
	Total	\$ 41,125.00
8100	Contingency Funds:	
8142	Board Contingency Fund	\$ 3,500.00
	<i>Provided</i> , this fund may be expended by the Beaufort County Board of Directors for con- tingencies arising under any appropriated item other than to increase salaries.	
8143	Delegation Contingency Fund	3,500.00
	Total	\$ 7,000.00
9000	University of South Carolina Extension: For operation of Beaufort Branch of the University	\$ 3,000.00
	Total	\$ 3,000.00
9100	Beaufort County Library	\$ 28,000.00
9150	Capital Outlay	3,500.00
	Total	\$ 31,500.00
9200	Beaufort County Memorial Hospital	\$ 26,000.00
	Total	\$ 26,000.00
	GRAND TOTAL	\$677,607.25

SECTION 3. All purchases over two hundred dollars shall be made only with a purchase order approved by the county board of directors, or its duly authorized agent, after receipt of bids where practicable.

SECTION 4. The Beaufort County Board of Directors shall enter into an agreement or contract for the operation and maintenance of the county airports.

SECTION 5. The Beaufort County Board of Directors is authorized to maintain and construct roadside parks and Litter Deposit Stations.

SECTION 6. Before any road shall be accepted by the board of directors for maintenance by the county, deeds of rights of way therein shall be obtained, conveying rights of way, meeting at least the minimum requirements of the S. C. State Highway Department with respect to State secondary highways, and no paved road shall be accepted which does not meet at least the minimum standards set by the S. C. Highway Department for its secondary roads.

Before any drainage ditch or canal is constructed a written easement shall be obtained from the landowner.

SECTION 7. The sheriff's department shall enforce the provisions of Act No. 47 of the Acts of 1955, as amended, and of Act No. 881 of the Acts of 1962, as amended, and shall work with and assist the special tax assessor and the auditor in accomplishing the purposes of such acts, and shall take out warrants and prosecute violations of the acts.

SECTION 8. The members of the county board of directors shall be allowed nine cents per mile for actual distance traveled in attendance on meetings of the board and, in addition to such mileage, shall receive actual expenses not exceeding two dollars per day for each day in attendance on meetings of the board. The directors, showing mileage traveled and expenses incurred in attendance, shall file a statement with the clerk of the board of directors.

SECTION 9. The amount of money herein appropriated under Account No. 2100 for Jail Expenses shall include the dieting of prisoners and chain gang; *provided*, that the jailor shall diet all prisoners in his care for ninety cents per day for each prisoner. The jailor shall, at the end of each month, file with the county board of directors an itemized statement showing the number of prisoners dieted each day during the month, and he shall be reimbursed at the rate above provided. Prisoners from municipalities within Beaufort County may be lodged at a charge of one dollar and fifty cents per diem per prisoner, which total amount shall be credited to the general fund of the county.

SECTION 10. The appropriation for expenses of the Beaufort County Health Unit shall be paid out as directed by the State Health Officer.

SECTION 11. The funds appropriated for Beaufort County Civil Defense shall be expended only after the approval of the budget by a majority of the legislative delegation, including the Senator.

SECTION 12. Building permits may be issued by the auditor, magistrates, or Sheriff of Beaufort County and shall identify the property upon which the construction is proposed to be done in such manner as to enable the special tax assessor to determine the exact location thereof. The person issuing the permit shall assist the tax assessor in locating such property on the county tax maps.

On or before the tenth day of each month, a report of all building permits issued during the preceding month shall be filed with the special tax assessor and salary shall be withheld from any officer failing to comply with this paragraph. Fees for the issuance of building permits shall be paid to the treasurer for the general fund of the county.

SECTION 13. All monies paid to the treasurer, clerk of court, sheriff or other public officials of Beaufort County, as interest on the deposit of funds in their custody, shall be accounted for by such officials as public funds are accounted for. The interest received on account of such deposit of funds shall be added to the principal of the fund.

SECTION 14. All claims upon accounts, special expense accounts and expenditures herein authorized to be paid by the county board of directors, the county board of education and all other agencies, except the salaries of officials as fixed herein and salaries of school teachers, shall first be itemized and verified by the payee and filed in the office of the respective board or agency before being paid by same. All authorized mileage shall be paid at the rate of nine cents per mile.

SECTION 15. To finance the maintenance and operation of the public school system of Beaufort County for the school year 1966-1967, there is hereby appropriated the sum of two million, six hundred forty-seven thousand and seventy dollars to be expended for the following purposes in the amounts indicated:

	<i>District No. 1</i>	<i>District No. 2</i>	<i>County Board</i>	<i>Total</i>
Administration	\$ 27,000.00	\$ 15,789.00	\$ 70,614.00	\$ 113,403.00
Instruction	1,875,921.00	261,506.00	.....	2,137,427.00
Health	500.00	.....	.....	500.00

	<i>District No. 1</i>	<i>District No. 2</i>	<i>County Board</i>	<i>Total</i>
Public Transportation ...	33,460.00	7,025.00	.....	40,485.00
Operation	129,395.00	33,010.00	1,200.00	163,605.00
Maintenance	90,000.00	19,560.00	1,150.00	110,710.00
Fixed Charges	15,000.00	3,300.00	125.00	18,425.00
Food Services	21,200.00	7,015.00	.....	28,215.00
Community Services	3,000.00	1,300.00	.....	4,300.00
Capital Outlay	24,000.00	4,000.00	2,000.00	30,000.00
	<u>\$ 2,219,476.00</u>	<u>\$352,505.00</u>	<u>\$ 75,089.00</u>	<u>\$ 2,647,070.00</u>

This appropriation is based upon estimated revenue from county, State and Federal sources, and if such as estimated are not available the opening budget shall be reduced to conform to the revenue. Should any of the estimated revenues be increased, the appropriate item above may be increased proportionately.

All liquor, beer and wine tax, poll tax and dog tax accruing to the county shall be credited to the school fund from which the above appropriation is made, and all State aid to teachers' salaries accruing or paid to the county by the State, and all Federal aid under the Farm Veterans' program, the G. I. Training program, and the School Lunch program, and any other funds which may be available, shall be paid into the fund. There shall also be paid into the fund all other Federal aid accruing or paid to the county for school purposes. The auditor shall levy and the treasurer shall collect 38 mills for school purposes on all taxable property of the county.

The Beaufort County Board of Education is authorized to expend out of funds on hand so much as may be necessary to pave driveways and parking areas at the various schools within the county. Such paving shall be done pursuant to contracts let by the South Carolina State Highway Department.

SECTION 16. The trustees and the district superintendents of School Districts No. 1 and No. 2 of Beaufort County shall not make any purchase or any contract for a purchase, nor make any expenditure of funds appropriated for school purposes in excess of one hundred dollars, except upon the written approval of the county superintendent of education.

SECTION 17. In order to facilitate the preparing of the county appropriations act by the legislative delegation, the county treasurer shall, on or before the first day of April of each year, in writing,

report to the legislative delegation the amount of county funds coming into his hands during the preceding calendar year, giving the source of such funds. He shall further report the disbursements made by him during the preceding calendar year, showing the amounts disbursed on vouchers by the board of education, certificates or warrants of the clerk of court, and interest and principal paid on bonds. The county treasurer shall annually, not later than April first of each year, furnish the members of the legislative delegation with a detailed statement of the status of outstanding township and countywide bonds, including school bonds.

The County Board of Education of Beaufort County shall, on or before the first day of April of each year, report to the legislative delegation, in writing, a detailed statement of all revenues allotted for school purposes for the preceding school fiscal year and all disbursements made by it for school purposes for the preceding fiscal year. It shall also furnish to the legislative delegation, on or before the first day of April of each year, an estimate of all anticipated revenues for the present school fiscal year. It shall also furnish to the legislative delegation an estimate of all revenues to be allotted or received for school purposes for the next school fiscal year, and also an estimate of all disbursements for the next school fiscal year.

It shall furnish copies of the annual audit to the legislative delegation. The County Board of Education shall pay its proportionate share of the cost of maintenance, utilities and debt service to the governing body of the county for office space occupied in the county office building.

SECTION 18. All transfers of funds heretofore made by the county treasurer from one account to another, made upon the written request of a majority of the Beaufort County Legislative Delegation, including the Senator, are hereby validated.

SECTION 19. Any motor vehicle confiscated pursuant to law by enforcement officials of Beaufort County and any motor vehicle abandoned on the highways of Beaufort County and unclaimed after the notice provided for by law may be retained by such confiscating authorities for use in law enforcement purposes within the county. Funds derived from the sale of such vehicles shall be paid into the general fund of Beaufort County.

Provided, an inventory of all vehicles and equipment retained by the confiscating authority shall be furnished to the county board of directors semiannually.

SECTION 20. The Beaufort County Board of Directors may rent to any person the road equipment of Beaufort County or may rent or charge for the use of other equipment under the following conditions:

(a) The county equipment must have been engaged in the performance of county work immediately preceding such rental at the site of the job or project for which it is desired to be rented;

(b) The equipment shall be operated by a county employee regularly employed for such purpose, and the rental of such equipment shall be charged for at the rate then prevailing in Beaufort County and the value of the work done shall not exceed fifty dollars.

Provided, that upon the board of director's determination that an emergency need for the equipment exists, the above limitations shall not apply.

Provided, further, that the above limitation shall not apply when rented to the State, any subdivision thereof, or municipality.

SECTION 21. The county board of directors may accept gifts, either in money or land, and hold same in escrow for the purposes for which donated.

SECTION 22. Funds received for the sale or trade of used and obsolete automobiles of the Sheriff's Department shall be credited to account No. 2050 by the county treasurer for use to purchase or replace vehicles used by the Sheriff's Department. Funds received from the sale of road building materials shall be received by the county treasurer and credited to account No. 3027 and used by the roads department to replace or purchase additional road building materials.

SECTION 23. The Treasurer of Beaufort County is hereby authorized, upon approval by a majority of the legislative delegation, including the Senator, to borrow for general county purposes not exceeding one hundred thousand dollars from the Division of General Services. The amount borrowed shall be evidenced by a note or notes to be executed by the Treasurer of Beaufort County. The note or notes shall bear interest at four per cent per annum from the date thereof and shall be payable in five successive, equal, annual installments. The first installment shall be paid twelve months from the date of the note or notes. *Provided*, the borrower reserves the right to anticipate the payment of part or all of the loan on any annual installment date.

For the payment of the note or notes, the Auditor of Beaufort County shall levy, and the treasurer shall collect, an annual tax on all the taxable property of the county sufficient to retire the loan and interest due thereon, and the entire proceeds of such levy shall be applied to the payment of the note or notes, inclusive of the interest in full, at which date the levy provided herein shall be terminated.

The full faith, credit and taxing power of the county are hereby irrevocably pledged to the payment of the indebtedness provided for in this act.

Should there be default in the payment of any installment, the State Treasurer is authorized and directed to withhold all State funds accruing to the county, which have not heretofore been pledged, for the payment of such installment and shall transmit the funds so withheld to the Division of General Services.

SECTION 24. The treasurer is authorized to borrow one hundred thousand dollars in anticipation of taxes to be used for general county purposes.

SECTION 25. All funds not necessary for current operating expenses shall be deposited or invested as provided in Section 65-2015 of the 1962 Code.

SECTION 26. This act shall take effect upon approval by the Governor.

Approved the 1st day of June, 1966.

(R1052, H2442)

No. 1200

An Act To Extend The Open Season For The Hunting Of Turkey In Berkeley And Dorchester Counties Until April Twenty-Third For The Year 1966 Only.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Hunting season on wild turkeys extended—Berkeley and Dorchester Counties.—The open season for hunting wild turkey in Berkeley and Dorchester Counties is extended through April twenty-third for the year 1966 only.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 22nd day of April, 1966.

(R1437, H2560)

No. 1201

An Act To Provide For The Levy Of Taxes For General County Purposes And To Provide For The Levy Of Taxes For School Purposes For Berkeley County For The Fiscal Year Beginning July 1, 1966; To Direct The Expenditures For General County Purposes; To Authorize The Borrowing Of Monies For School And County Purposes; And To Provide For The Administration Of The Business Of Berkeley County.

Be it enacted by the General Assembly of the State of South Carolina:

PART I

SECTION 1. A tax of twenty mills is hereby levied upon all the taxable property of Berkeley County for county purposes for the fiscal year beginning July 1, 1966, which together with all the monies then in the hands of the county treasurer, or coming into his hands after July 1, 1966, from fines, forfeitures, fees, executions or other wise, or in the bank or banks for the use of the county and not specifically pledged for some other purpose, shall be used, and same is hereby appropriated, in the amounts and for the purposes hereinafter stated:

ITEM 1. Roads and Bridges:

A. Maintenance and Construction	\$ 72,000.00
B. Drainage	10,000.00

Total, Item 1 \$ 82,000.00

Provided, all county officers and county employees, including employees paid under this item, shall receive a ten per cent compensation increase. Said ten per cent has been added to the salaries hereinafter set forth.

ITEM 2. Salaries:

A. Clerk of Court	\$ 10,409.43
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B. Clerks to Clerk of Court (3)	11,777.54
C. Sheriff	5,948.25
<i>Provided</i> , the Sheriff shall receive an allowance of \$250.00 per month for travel and expenses	
	3,000.00
<i>Provided</i> , further, the Sheriff shall be furnished an automobile and boat for official duties; and the Sheriff's office shall retain fees for service of papers.	
<i>Provided</i> , further, funds derived from the sale of automobiles confiscated by the Sheriff's office shall be earmarked for the purchase of automobiles for this office; and the Sheriff's office may use automobiles confiscated rather than selling same.	
D. Clerk to Sheriff	3,925.85
E. (a) Eight Deputy Sheriffs, including travel, uniforms and decals	32,000.00
(b) Radio System maintenance	2,500.00
<i>Provided</i> , a breakdown of appropriation (a) shall be approved by a majority of the county legislative delegation prior to disbursement.	
(c) Radio-Teletype Operator	3,300.00
F. Tax Collector	5,280.00
<i>Provided</i> , the Tax Collector shall receive an allowance of \$200.00 per month for travel and expenses	
	2,400.00
<i>Provided</i> , further, the Tax Collector shall be furnished an automobile by the county for official duties.	
G. Clerk to Tax Collector	3,925.85
H. (a) Jailor	3,925.85
(b) Matron for Jail	356.90
I. Treasurer (see proviso below)	2,379.30
J. Clerks to Treasurer (2)	7,850.70
K. Auditor (see proviso below)	2,379.30
L. Clerks to Auditor (2)	7,850.70
<i>Provided</i> , the Auditor and Treasurer shall receive, in addition to the respective salaries, the fees of their office as provided by law;	

the salary paid them by the State, which is \$4,577.10; and the sum of \$600.00 each for travel		1,200.00
M. Probate Judge		4,758.60
<i>Provided</i> , the Probate Judge shall receive all fees of the office, including marriage license fees.		
N. Clerk to Probate Judge		3,925.85
O. (a) Master in Equity		2,379.30
<i>Provided</i> , the Master shall receive all fees of the office.		
(b) Office Expenses		2,500.00
P. Coroner		1,427.58
Q. Supervisor		5,948.25
<i>Provided</i> , the Supervisor shall also receive \$250.00 per month for travel		3,000.00
R. Clerk to Supervisor		3,925.85
S. Special Services:		
(a) General clerical		3,925.84
(b) Assistant Solicitor (supplement)		1,500.00
(c) Clerk to Solicitor (supplement)		652.80
T. County Attorney		4,282.74
<i>Provided</i> , the County Attorney shall, upon official request, furnish legal advice and services to any person holding a county or school office, on official matters.		
<i>Provided</i> , further, he shall represent the county in all suits in which the county is named as party, and shall not appear as attorney against the county or any school unit thereof.		
U. Base Station Radio Operator		4,282.74
V. Magistrates and Constables		50,000.00
<i>Provided</i> , a budget showing details of this appropriation shall be approved by a majority of the county legislative delegation prior to July 1, 1966.		
W. Janitors—Office Building and Courthouse ..		8,565.48
X. Special Beach Deputies		1,320.00
Y. Berkeley County Civil Defense		11,500.00
<i>Provided</i> , a budget showing details of this appropriation shall be approved by a majority		

of the County Legislative Delegation prior
to disbursement.

Z. Probation Officer (Supplement) 1,359.60

Total, Item 2\$225,664.30

ITEM 3. County Health Department:

Operation, Maintenance and Incidentals\$ 24,000.00

Anti-Rabies Program 6,000.00

Total, Item 3\$ 30,000.00

ITEM 4. County Boards and Farm Offices:

A. County Board of Education (\$100.00) each ..\$ 600.00

B. (1) County Tax Assessors 3,600.00

(2) Tax Board of Review 1,000.00

C. Boys' 4-H Club Work 300.00

D. Girls' 4-H Club Work and Women's Work.. 300.00

E. Clerk to Home Demonstration Agent
(parttime) 642.40

F. Clerk to County Agent (Supplement) 642.40

G. Demonstration Supplies, both offices 100.00

H. Stamps and Incidentals, both offices 50.00

I. Negro Agricultural Agent (Supplement) ... 792.00

J. Negro Home Demonstration Agent (Supple-
ment) .. 792.00

K. Negro Boys' 4-H Club Work 300.00

L. Negro Girls' 4-H Club Work and Women's
Work 300.00

M. Office expense—Negro Ag. and H.D. Agents 125.00

N. Clerical expense—Negro Ag. and H.D.
Agents 1,784.48

O. Soil Conservation Committee 200.00

P. Supplement County Agent and Associate
Agent, \$528.00 each 1,056.00

Q. Home Demonstration Agent and Assistant
Agents, \$528.00 each 2,112.00

Total, Item 4\$ 14,696.28

ITEM 5. Department of Public Welfare\$ 12,000.00

*Provided, a budget showing details of this ap-
propriation shall be approved by a majority*

of the county legislative delegation prior to
July 1, 1966.

Total, Item 5		\$ 12,000.00
ITEM 6. Jail and Prisoners:		
A. Maintenance of Prisoners for dieting, etc., claims to be approved by Sheriff		\$ 8,000.00
<i>Provided</i> , monthly reports shall be made by the Sheriff's office, showing details of claims paid under this appropriation to the County Supervisor, the County Treasurer and the members of the County Legislative Delegation.		
B. Transporting Prisoners		500.00
Total, Item 6		\$ 8,500.00
ITEM 7. Miscellaneous Appropriations:		
A. Jurors, Witnesses and Bailiffs		\$ 4,000.00
<i>Provided</i> , that jurors at coroner's inquests shall receive pay in the same manner and amount as circuit court jurors.		
B. Assistance to aged, helpless and poor by the county		6,000.00
C. Post-mortems, inquests and lunacies		1,800.00
D. Courthouse and County Buildings—Maintenance and Operation		24,000.00
E. Social Security, Retirement and Insurance ..		40,000.00
F. Printing, postage, record books and office supplies for county offices		12,000.00
<i>Provided</i> , prior to purchases desired here- under, requisitions shall be made to the County Supervisor and approved by him before such purchases shall be made; and monthly reports showing the details of all claims paid under this appropriation shall be made by the Supervisor's office to the members of the County Legislative Delegation.		
G. Vital Statistics		675.00
<i>Provided</i> , that each registrar shall receive fifty cents per registration. No registrar shall re- ceive less than twenty-five dollars per year.		

H. Berkeley-Dorchester-Charleston T.E.C.:	
Pro-rata share operational budget	10,000.00
<i>Provided</i> , a budget showing details of the appropriation shall be approved by a majority of the County Legislative Delegation prior to disbursement.	
I. Miscellaneous Contingent Fund	8,000.00
J. Supplement for County Board of Registration and Clerk	2,000.00
K. Service Officer—travel and office expenses . .	660.00
<i>Provided</i> , the Service Officer shall also be paid the full appropriation by the State for this office.	
L. County Development Board	7,500.00
M. Airport—land acquisition	10,000.00
Total, Item 7	\$126,635.00

ITEM 8. Contributions:

A. Berkeley Hospital	\$ 18,000.00
B. Berkeley Memorial Library	24,000.00
C. Rescue Work (Sheriff's office)	300.00
D. Volunteer Rescue Squad	6,000.00
E. Rural Fire Departments	5,000.00
F. Civil Air Patrol	600.00
Total, Item 8	\$ 53,900.00

GRAND TOTAL APPROPRIATIONS ..\$553,395.58

Estimated Revenue:

State Sources:

One cent gasoline tax	\$130,000.00
Income Tax	70,000.00
Alcoholic Liquor Tax	50,000.00
Beer and Wine Tax	12,000.00
Insurance License Tax	20,000.00
Bank Tax	1,000.00

Total derived from State Sources for appropriations herein ..\$283,000.00

County Sources:

Twenty mills property, including tax executions and costs	\$170,000.00
Road tax and executions	12,000.00
Fines, forfeitures and fees	60,000.00
Santee-Cooper payment in lieu of property taxes	31,000.00

Total derived from County sources for appropriations herein	\$273,000.00
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GRAND TOTAL—ESTIMATED REVENUE	\$556,000.00
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SECTION 2. All items herein which are to be paid out as salaries for officers and clerks of the county shall be expended in the usual manner twice monthly on the tenth and twenty-fifth and not otherwise, and no more; and in case any officer or clerk, as aforesaid, shall resign, or otherwise vacate his or her office or position before the expiration of the fiscal year, he shall be entitled to monthly installments on a prorata basis for the month, or parts of month actually served, and no more. Each of the clerks shall have five and one-half days annual leave per year plus one-half day for each year of employment with the county.

SECTION 3. It is hereby reaffirmed by the County Legislative Delegation that all purchases paid for by the County shall be made from business concerns within the County, insofar as same is economically feasible; and such purchases shall be fairly divided among the concerns in the county.

The County Supervisor, the County Superintendent of Education and the County Treasurer are hereby authorized to employ a County Purchasing Agent upon approval by the County Legislative Delegation.

SECTION 4. For the purpose of paying in cash the foregoing and all other general, ordinary or special county expenses for the fiscal year beginning July 1, 1966, as authorized by this act, or otherwise appropriated, in anticipation of the collection of taxes, or the receipt of revenues from the State, the County Supervisor and County Treasurer of Berkeley County are hereby authorized to borrow from time to time as may be necessary in their judgment, on note or notes,

or other evidences of indebtedness of the county, executed by the said county officials, from any person, firm or corporation; or from the Treasurer's Reserve Fund, or other dormant funds; and the sum or sums borrowed shall constitute a valid claim against the county; and the monies derived from the twenty-mill tax levied in Section 1 hereof, the commutation tax and any State revenues, may be pledged to secure the payment thereof; and it shall not be incumbent upon the person, firm or corporation making such loan or loans to see that the monies loaned are applied for the purposes for which they are borrowed.

SECTION 5. The Treasurer of Berkeley County shall be and he is hereby authorized to refund to any taxpayer the amount of taxes for any year which may have been collected by error.

SECTION 6. The former County Treasurer shall be paid the fees and costs provided by law on those delinquent taxes placed with his office during his term of office, upon the collection of same.

SECTION 7. For the purpose of providing for the maintenance and operation of Hanahan Public Service District, the Auditor of Berkeley County shall levy a tax of not exceeding sixty-five mills, the exact millage to be specified by a resolution adopted by the commissioners of such district prior to July 1, 1966, and presented to the County Legislative Delegation, upon the taxable property within the territorial limits of such district, which, together with the funds and income of the district from all sources, shall be used to carry out the duties and functions of the commission of the district, all or any of them, as provided for in Act No. 784 of the Acts of 1942, creating the district and commission, and all amendments thereto. The tax shall be levied and collected by the same officers and in the same manner as is provided for the collection of taxes levied for corporate purposes in Berkeley County, and the monies so collected shall be placed in separate funds by the County Treasurer and paid out on warrants of the commissioners of the district.

SECTION 8. All county offices may be closed at twelve noon on each Wednesday.

SECTION 9. Notwithstanding the provisions of the South Carolina Retirement Law, the County Board of Education may employ Mrs. Mattie Lee S. Murray and Mrs. Lennie Mae Carr for another year.

PART II

TAX LEVY FOR SCHOOL PURPOSES

There is hereby levied on all the taxable property of The Berkeley County School District for the calendar year 1966 a tax of forty-two mills, the proceeds of which shall be used for general school purposes for the fiscal year 1966-1967, such purposes to be set forth in the county school budget for such fiscal year to be adopted as provided by law. The tax shall be assessed and collected as other property taxes are assessed and collected.

PART III

This act shall take effect upon approval by the Governor.

Approved the 13th day of June, 1966.

(R904, H2264)

No. 1202

An Act To Make Supplemental Appropriations For The Fiscal Year 1965-1966 From The General Fund Of Calhoun County.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. The following supplemental appropriations for the fiscal year 1965-1966 are made from the General Fund of Calhoun County :

Roads and Bridges	\$ 6,000.00
Sheriff's Travel	400.00
Public Buildings	2,000.00
Courthouse Supplies and Repairs	2,000.00
Contingent	3,500.00
Hospitalization	2,000.00
Social Security	500.00
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	\$ 16,500.00

SECTION 2. This act shall take effect upon approval by the Governor.

Approved the 24th day of March, 1966.

(R1353, H2609)

No. 1203

An Act To Provide For The Levy Of Taxes For Ordinary County And School Purposes For Calhoun County For The Fiscal Year 1966-1967, And For The Expenditure Thereof; And To Provide For Any And All Matters Pertaining To The Affairs Of The County.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. There shall be levied upon the taxable property of Calhoun County for the purposes hereinafter specified :

School District No. 1: 39 mills for the operation of the schools in the district.

School District No. 2: 45 mills for the operation of the schools in the district.

Orangeburg-Calhoun Technical Education Center: 4 mills for purchase of a site for and erection of a technical education center as per 1966 Act for that purpose.

SECTION 2. For county purposes for Calhoun County for the fiscal year 1966-1967, the sums hereinafter specified are appropriated for the purposes stated and the auditor of the county is authorized to levy, and the treasurer to collect, a tax of eight mills upon all the taxable property of Calhoun County to meet the appropriations herein made for general county purposes after deducting all other available income and revenue.

For construction and maintenance of bridges and roads and the support of county chain gang and floating gangs	\$ 33,500.00
<i>Provided</i> , that all salaries paid from this item shall be increased by ten per cent over the rate paid for the year 1965-1966.	
Clerk of Court	5,650.00
Deputy Clerk of Court	2,591.05
Sheriff—salary to be in lieu of all fees for services rendered to the county	5,650.00
Travel allowance and automobile repairs for Sheriff (if so much be necessary)	1,000.00
Deputy Sheriffs—2 @ \$2,920.00 each	6,424.00
Travel allowance for deputies for use in their own cars—\$1,500.00 each	3,000.00

Auditor	1,073.05
Treasurer	1,073.05
Clerical assistance, Auditor	2,591.05
Clerical assistance, Treasurer	1,178.10
Clerical assistance, Superintendent of Education	100.00
Travel allowance, Superintendent of Education	200.00
Attorney for County	785.40
Coroner	785.40
Travel allowance for Coroner	60.00
Supervisor	5,650.00
Replacement automobile for Supervisor	2,920.21
Travel allowance for Supervisor, if so much be necessary	1,000.00
Two County Commissioners, \$980.20 each	1,962.40
Clerk to Board of County Commissioners	2,591.05
Judge of Probate	5,650.70
Constables:	
Second District	981.20
Third District	981.20
<i>Provided</i> , each magistrate's constable for the Second and Third Districts shall be paid fifteen dollars monthly as a travel expense. This proviso shall become effective immediately upon the approval of this act	360.00
Magistrates:	
First District	2,016.49
Second District	1,256.20
Third District	1,256.20
Office Rent— Third District	120.00
<i>Provided</i> , the compensation provided for magistrates and constables is in lieu of all fees payable by the county to which any and all of them may be entitled, except in cases of violation of the worthless check law, and they shall have authority to charge and receive the following fees, which shall be in addition to their salaries: magistrates, one dollar, constables and sheriff, five dollars and mileage, as provided in Section 27-451 of the 1962 Code, when prosecution in such cases is discontinued by settlement or compromise.	

Provided, further, that the magistrates at Cameron and Lone Star shall give bonds in the sum of five hundred dollars, and the magistrate at St. Matthews shall give bond in the sum of one thousand dollars, conditioned upon the faithful performance of their duties and the premium paid thereon out of the county contingent fund.

Provided, further, that the Sheriff and his deputies shall perform the duties formerly performed by the constable for the Magistrate of the First District, with the privilege of retaining for their own use such fees to which he was entitled.

Provided, further, that the magistrates shall have the authority to charge as and for costs in claim and delivery proceedings a sum not in excess of ten dollars. *Provided*, further, magistrates shall have countywide authority to issue arrest and search warrants.

Tax Collector	589.60
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Travel allowance, Tax Collector	150.00
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Board of Education	500.00
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Board of Equalization	300.00
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Provided, members of the board shall be paid six dollars per day.

Jail expenses, including dieting of prisoners ...	1,200.00
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Provided, the Sheriff shall be allowed one dollar per day for dieting prisoners.

Jurors, Bailiffs, Deputy Clerks and Witnesses ..	1,500.00
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Provided, jurors in the general sessions and common pleas courts shall receive six dollars per day, and jurors in the magistrates' courts and coroner's inquests shall be paid three dollars per day, to be paid as now provided by law.

D.P.W. Emergency Fund	200.00
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Contribution to Tuberculosis Work	800.00
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Travel allowance, County Lunch Supervisor ..	300.00
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Rent, School Commodities Storage	300.00
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Travel allowance, Attendance Supervisor	300.00
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Travel allowance, County Service Officer	300.00
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Office expenses, County Service Officer	150.00
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Post Mortems and Inquests	100.00
Burial of County Poor	100.00
Lunacies (to be used for medical examination and transportation)	150.00
Home Demonstration Agent—supplies, con- tingent, stamps, etc.	100.00
Farm Agent—supplies, contingent, stamps, etc.	100.00
Farm Agent's salary supplement	713.90
Home Demonstration Agent's salary supplement	357.50
Clerical assistant for Home Demonstration Agent and County Agent	785.17
County Libraries	9,000.00
To be expended by a committee of four in charge of such library, to be appointed by the legisla- tive delegation.	
For retirement of county officers and employees, if so much be necessary	5,745.00
Workmen's Compensation Premium	1,800.00
Public Buildings, including janitor, water, lights, telephones and fuel	8,000.00
<i>Provided</i> , the same to be used for county pur- poses only.	
Repairs, County Buildings	4,000.00
Printing, postage, stationery, supplies and re- pairs for county buildings, including salary of \$300.00 per year to the county supervisor as custodian of such buildings	6,200.00
<i>Provided</i> , the fund for public buildings and sup- plies shall be expended for the officers and offices of the courthouse and office buildings on the approval of the supervisor, and when so ap- proved by him shall be paid by the county board of commissioners.	
Miscellaneous Contingent	5,000.00
<i>Provided</i> , such funds shall be disbursed only upon written consent and with the authority of the legislative delegation.	
Jailor	2,355.65
Premiums on bonds for county officers	550.00
Hospitalization fee	12,000.00

Provided, that the county shall pay such per diem costs as may be agreed upon by the county board of commissioners for charity patients, with notice to any hospital to which such patient may be sent that such payments will stop when the above amount has been exhausted and the county assumes no further responsibility for such aid. The expenditure made under this item shall be under the county board of public welfare, which shall investigate each case and only approve such aid where the applicant is unable to pay for treatment and would suffer unless the county provides; the board shall prorate this appropriation over the twelve-month period and, if necessary, shall limit aid to emergency cases involving serious danger to life and health.

County Health, if so much be necessary	8,085.00
Vital Statistics	300.00
County Share, Group Insurance	630.00
Historical Commission	2,100.00
To be advanced in installments as may be approved by the county board of commissioners.	
Social Security	3,900.00
Insurance on Sheriff's and Supervisor's automobiles	531.00
Fire Insurance on county buildings	2,053.91
Auditing the county affairs, 1965-1966	900.00
Rabies Control Officer, travel	463.50

Provided, this sum shall be paid in monthly installments.

National Guard Armory, Supplies and Company Fund	700.00
Development Board	5,500.00
Expense for circuit court solicitor	200.00
Clerical help, Judge, First Judicial Circuit	400.00
County Civil Defense (if so much be necessary)	500.00

Provided, that all expenditures from this fund shall be subject to the written approval of the legislative delegation.

GRAND TOTAL	<u>\$182,316.98</u>
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SECTION 3. The county board of commissioners (including the supervisor) is directed to work all roads, streets, alleys and public parking areas in the towns and villages, incorporated or unincorporated, in Calhoun County; and may, in its discretion, perform such work in and around other county and municipal buildings, parks, public landings and facilities as may be deemed necessary and advisable.

SECTION 4. All disbursements for travel allowance and for repairs for county-owned cars shall be evidenced by itemized statements that have actually been paid and so marked.

SECTION 5. If any of the sums abovementioned, or any portion thereof, are not used or expended for the specific purposes for which appropriated, the whole or any balance shall be expended only upon written authorization of the Legislative Delegation of Calhoun County.

SECTION 6. It shall be unlawful for any officer of this county to approve or pay any claims against the county, or any school district, unless the funds are on hand for the payment of same, and also it shall be unlawful for the county board of commissioners to exceed the appropriations made for the several items in this act, unless authorized by the county delegation, and any county officer violating the provisions of this act shall be liable for such violations on his official bond; *provided*, however, that the county treasurer and supervisor are hereby authorized and empowered to borrow so much money as is necessary to defray the county expenses, not exceeding the total amount herein appropriated, and are authorized to pledge the taxes, when so collected, for the payment of the same; *provided*, further, that all monies coming into the county treasury to the credit of the county by reason of contracts made and work done by the county or its authorities in the working or building of roads and bridges may be used and expended by the board of commissioners in the maintenance and support of the county chain gang and in building bridges and maintenance of roads, permanent and otherwise.

SECTION 7. The board of county commissioners shall pay the regular commercial rate for publication of quarterly reports.

SECTION 8. The supervisor shall have entire oversight and care of the courthouse building and grounds, and he shall supervise the care of same, and the janitor for the courthouse shall be employed by the supervisor, and it shall be his duty to supervise the janitor

and see that he keeps the courthouse grounds in proper condition; *provided*, however, the sheriff shall have entire oversight and care of the jail and he shall employ the jailor for the same.

SECTION 9. The county board of commissioners shall appoint one or more banks as depositories in which the county treasurer shall deposit monies coming into his hands as an officer, which appointment shall be by proper resolutions spread upon the minutes of the board. Such board shall from time to time, by resolution spread upon its minutes, make such requirements as may be deemed necessary for the safety of such funds so deposited, not inconsistent with the general laws of the State. If any of such funds are dissipated or lost by reason of the insolvency or failure of any such depositories, then such dissipation or loss shall not constitute a liability on the official bond of the county treasurer nor a liability on the sureties thereon. In the event of the dissipation or loss of any such funds because of such insolvency or failure the county and State shall have a preferred claim against such bank for the amount of such dissipation or loss.

SECTION 10. All appropriations made herein are subject to the right and authority of the Calhoun County Legislative Delegation to change, alter, or deduct therefrom at any time, without notice, when in its judgment such change, alteration or deduction is necessary for the best interests of the county, and to conform with revenue expected during the life of this act. *Provided*, that the change made by the delegation pursuant to the authority herein conferred shall not operate to increase the total amount appropriated.

SECTION 11. All fees collectible by law by the auditor, treasurer, clerk of court and judge of probate shall be collected by such officers and placed by them in the treasury of the county to the credit of the general fund. Each officer shall keep a record of all fees collected for auditing purposes and on or before the tenth day of each month shall remit all fees collected in the preceding month.

SECTION 12. Of the amounts appropriated in this act as salaries for law enforcement officers, an amount of five dollars per day for each such officer is hereby designated as subsistence for each day of active law enforcement duty.

SECTION 13. All county offices shall be open between the hours of 9 a. m. and 5 p. m. during the week, except on Wednesdays and

Saturdays, when they shall close at 1 p. m., and on holidays and with the further exception of offices with only one officer, and it is necessary for him to be out in the field on work in regard to his office. *Provided*, in the event of an emergency the offices may be closed with the approval of the legislative delegation.

SECTION 14. This act shall take effect upon approval by the Governor.

Approved the 1st day of June, 1966.

(R1406, H2717)

No. 1204

An Act To Authorize The Treasurer Of Calhoun County To Borrow Not Exceeding Sixty Thousand Dollars For The Purpose Of Paying The County's Share Of The Cost Of The Purchase Of A Site For And Erection Of A Technical Education Center In Conjunction With Orangeburg County, And To Provide For The Payment Thereof.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Calhoun County may borrow money.—The Treasurer of Calhoun County is authorized to borrow not exceeding sixty thousand dollars for the purpose of paying the county's share of the cost of the purchase of a site for and erection of a technical education center in conjunction with Orangeburg County. The amount shall be evidenced by a note executed by the treasurer of the county. The note shall bear interest at a rate not to exceed five per cent per annum, and shall be paid in no more than five annual installments.

SECTION 2. Payment.—For the payment of the note the auditor and the treasurer of the county shall respectively levy and collect an annual tax, not to exceed four mills, on all the taxable property of the county sufficient to retire the loan and interest thereon. The full faith, credit and taxing power of the county are hereby irrevocably pledged to the payment of the indebtedness provided for in this act.

SECTION 3. Payment if money borrowed from Division of General Services.—Should the money be borrowed from the Division of General Services and should there be default in any payment, the State Treasurer is directed to withhold all State funds accruing to

the county, which have not heretofore been pledged, for the payment of such indebtedness, and shall transmit the funds so withheld to the Division of General Services.

SECTION 4. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 8th day of June, 1966.

(R846, H2033)

No. 1205

A Joint Resolution Proposing An Amendment To Article I, Section 17, Of The Constitution Of South Carolina, 1895, Relating To Criminal Punishment, Double Jeopardy And The Taking Of Private Property, So As To Authorize The City Of Charleston To Undertake And Carry Out Slum Clearance And Redevelopment Work And To Provide For The Use Of The Power Of Eminent Domain By The City Of Charleston Acting Through Its City Council Or Any Housing Or Redevelopment Authority.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Findings of General Assembly.—The General Assembly finds that if the City of Charleston is to be permitted to undertake urban renewal programs, it is necessary that Section 17 of Article I of the Constitution be amended in such fashion as to authorize the City of Charleston to acquire private property for such purposes, inasmuch as without such specific authorization the provisions of Section 17 of Article I relating to taking of private property, as construed by the Supreme Court of South Carolina in the case of *Edens vs. City of Columbia*, decided January 30, 1956 and reported in 228 S. C., page 563, 91 SE 2d 280, do not now authorize such action. Accordingly, the General Assembly proposes to submit to the qualified electors of the State at the next general election the question of whether Section 17 of Article I of the State Constitution should be amended in such fashion as to permit the City of Charleston to acquire private property in order to undertake a program of urban renewal within the corporate limits of such city as now or hereafter constituted.

SECTION 2. Amendment to Article I, Section 17, State Constitution, proposed—City of Charleston to undertake slum clear-

ance and redevelopment work—use of eminent domain.—It is proposed that Section 17 of Article I of the Constitution of South Carolina, 1895, be amended by adding at the end thereof the following: “*Provided*, that the City of Charleston may, pursuant to statutory law, now existing or hereafter enacted, and acting through its City Council or through any housing or redevelopment authority, now or hereafter established, undertake and carry out slum clearance and redevelopment work in areas which are predominantly slum or blighted, the preparation of such areas for re-use, and the sale or other disposition of such areas to private enterprise for private uses or to public bodies for public uses, and to that end may exercise the power of eminent domain as to any property essential to the plan of slum clearance and redevelopment.”

SECTION 3. Submission to electors.—The proposed amendment shall be submitted to the qualified electors at the next general election for representatives. Ballots shall be provided at the various voting precincts with the following words printed or written thereon:

“Shall Section 17 of Article I of the Constitution of South Carolina, 1895, be amended so as to permit the use of the power of eminent domain by the City of Charleston or housing or redevelopment authorities functioning in the City of Charleston for the purpose of slum clearance and redevelopment work in areas within the corporate limits of the City of Charleston which are predominantly slum or blighted, in order to acquire and clear such areas, to prepare them for re-use and for sale or other disposition to private enterprise for private purposes or to public bodies for public purposes?

In favor of the amendment ☐

Opposed to the amendment ☐

Those voting in favor of the amendment shall deposit a ballot with a check or cross mark in the square after the words ‘In favor of the amendment’, and those voting against the amendment shall deposit a ballot with a check or cross mark in the square after the words ‘Opposed to the amendment’.”

Ratified the 8th day of March, 1966.

(R866, H2071)

No. 1206

An Act To Authorize The State Highway Commission To Remove A Portion Of Mechanic Street In Charleston County From The State Highway Secondary System And Accept In Lieu A Portion Of Monrovia Street, And To Authorize The Charleston Council To Quitclaim A Portion Of Mechanic Street To Abutting Owners.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Findings of General Assembly.—The General Assembly finds that in the construction of Interstate Highway 26 into the City of Charleston, an embankment has been constructed bisecting and rendering useless a street or road now a part of the secondary highway system located north of the city limits of the City of Charleston, running from King Street Extension (U. S. Highway 78) on the east toward the Ashley River on the west, and known as Mechanic Street. That portion of Mechanic Street now lying to the east of Interstate Highway 26 (I-26) is bounded on the east by King Street Extension, to the west by the embankment above referred to, to the north by lands of Ashmead F. Pringle, Jr., et al, as Trustees, and to the south by lands of Ashmead F. Pringle, Jr., et al, as Trustees (Pringle, as Trustee). As now constituted, Mechanic Street (as hereafter used the term Mechanic Street shall relate only to that portion thereof lying east of I-26) serves properties of Pringle, as Trustee, and no others. Mechanic Street was formally deeded to the County of Charleston and, if it shall be removed from the State secondary highway system, title thereto will revert in Charleston County. Some one hundred or so feet north of Mechanic Street, and constituting the northern boundary of the lands of Pringle, as Trustee, is situate a forty-foot street or road known as Monrovia Street. A portion of this street is in the highway secondary system, and the balance is in the Charleston County road system. Monrovia Street furnishes ingress and egress not only to the properties owned by Pringle, as Trustee, but to others as well. Pringle, as Trustee, seeks legislative authorization to permit the State Highway Department to eliminate Mechanic Street from the secondary state highway system and to authorize Charleston County to convey its interest therein to Pringle, as Trustee, and in consideration thereof, Pringle, as Trustee, proposes to convey to Charleston County a strip of land ten feet in width on the south

side of that portion of Monrovia Street lying east of I-26, in order that Monrovia Street as thus reconstituted would have a width of fifty feet and be capable of providing ingress and egress to the lands of Pringle, as Trustee, and to others whose properties abut Monrovia Street to the north.

The General Assembly has made appropriate investigations and has noted that Mechanic Street has become a cul-de-sac, serving no public interest and providing access only to properties owned by Pringle, as Trustee. It has therefore determined to approve the proposal and by this action to authorize:

(a) the State Highway Commission to remove Mechanic Street from the State secondary system and to accept, in lieu thereof, as a part of the State Secondary system, that portion of Monrovia Street lying east of I-26, once it has been widened as above set forth and a suitable deed of conveyance thereto has been given to Charleston County; and

(b) the County Council of Charleston County to execute a quitclaim deed conveying in fee simple such interest as Charleston County might have in Mechanic Street to Pringle, as Trustee.

SECTION 2. Portion of Mechanic Street in Charleston County removed from highway system—Monrovia Street included in highway system.—The State Highway Commission is authorized to remove Mechanic Street from its secondary road system and include in the State secondary system Monrovia Street, as widened.

SECTION 3. Charleston County empowered to give quitclaim.—If Charleston County receives a conveyance of a strip of land ten feet wide, lying to the south of Monrovia Street, and bounded to the west on the right-of-way of Interstate Highway 26 and to the east on King Street Extension, it is empowered to execute and deliver to Pringle, as Trustee, or his successors or assigns, a quitclaim deed in fee simple, conveying to Pringle, as Trustee, all of the right, title, interest and estate of Charleston County to Mechanic Street.

SECTION 4. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 16th day of March, 1966.

(R901, H2235)

No. 1207

An Act To Amend Act 443 Of 1949, As Amended, Relating To St. Andrew's Public Service District Of Charleston County, So As To Provide For The Officers Of The Commission And To Provide That Any Two Of Them May Sign Vouchers Of The Commission.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Act 443 of 1949 amended—Section 3.1 added—officers of commission.—Act 443 of 1949, as amended, is further amended by adding Section 3.1 to read as follows :

“Section 3.1. The officers of the commission shall be a chairman, a vice chairman and an executive secretary who shall be elected by the members of the commission to serve for such terms as the commission may determine.”

SECTION 2. Item 3, Section 4, Act 443 of 1949 amended—vouchers may be signed by two officers.—Item 3 of Section 4 of Act 443 of 1949 is amended by adding at the end the following : “Vouchers for the payment of commission obligations may be signed by any two of the officers of the commission.” The item when amended shall read as follows :

“3. To make contracts and to execute all instruments necessary or convenient for carrying out the functions committed to it. Vouchers for the payment of commission obligations may be signed by any two of the officers of the commission.”

SECTION 3. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 24th day of March, 1966.

(R918, H2289)

No. 1208

An Act To Authorize St. Andrews Public Service District Commission To Issue Not Exceeding Seventy-Five Thousand Dollars Of General Obligation Bonds Of The District; To Prescribe The Purposes For Which The Proceeds Of The Bonds Shall Be Used; To Prescribe The Terms And Conditions Under Which The Bonds Shall Be Issued; And To Make Provision For The Payment Of The Bonds.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Bonds may be issued.—For the purpose of providing funds for fire protection and the constructing and equipping of buildings, the acquisition of equipment and other facilities, St. Andrews Public Service Commission is hereby authorized to issue and sell not exceeding seventy-five thousand dollars of general obligation bonds of the district.

SECTION 2. Issue.—The bonds authorized by this act may be issued as a single issue, or from time to time as several separate issues.

SECTION 3. Form—dates—maturity.—The bonds shall be in such denominations and shall mature in such annual series or instalments as the commission shall provide for, except that the last maturing bonds shall mature not later than fifteen years from the date as of which the bonds shall be issued.

SECTION 4. Redemption.—The bonds issued pursuant to this act may be issued with a provision for their redemption prior to their stated maturities at par and accrued interest, plus such redemption premium as may be prescribed by the commission, but no bond shall be redeemable before maturity unless it contains a statement to that effect. If bonds are made subject to redemption, provision shall be made in the proceedings authorizing the issuance of the bonds, specifying the manner of call and the notice thereof that must be given.

SECTION 5. Form.—The bonds shall be in the form of negotiable coupon bonds, payable to bearer, but may be issued with the privilege to any holder of having them registered as to principal on the books of the Treasurer of Charleston County, upon such conditions as the commission may prescribe. Except when so registered, all bonds issued pursuant to this act shall have all attributes of negotiable instruments under the law merchant and the negotiable instruments law.

SECTION 6. Where payable.—The bonds issued pursuant to this act shall be made payable at such place, within or without the State, as the commission shall provide.

SECTION 7. Interest.—Bonds issued pursuant to this act shall bear interest at rates determined by the commission.

SECTION 8. Execution.—The bonds, and the coupons to be thereunto attached, shall be executed in such manner as the commission shall by resolution provide.

SECTION 9. Sale.—Bonds issued pursuant to this act shall be sold at a price of not less than par and accrued interest to the date of their respective deliveries. They shall be sold after public advertisement of their sale in a newspaper of general circulation in South Carolina. The published notice shall appear not less than ten days prior to the occasion set for opening bids.

SECTION 10. Payment.—For the payment of the principal and interest of all bonds issued pursuant to this act, as they respectively mature, and for the creation of such sinking fund as may be necessary therefor, the full faith, credit and taxing power of St. Andrews Public Service District in Charleston County, South Carolina, shall be irrevocably pledged, and there shall be levied annually by the Auditor of Charleston County, and collected by the Treasurer of Charleston County, in the same manner as county taxes are levied and collected, a tax without limit on all taxable property in the district, sufficient to pay the principal and interest of such bonds as they respectively mature and to create such sinking fund as may be necessary therefor.

SECTION 11. Exempt from taxes.—The principal and interest of any bonds issued pursuant to this act shall have the tax exempt status prescribed by Sections 65-4.1 and 65-1522 of the 1962 Code.

SECTION 12. Proceeds.—The proceeds derived from the sale of any bonds issued pursuant to this act shall be paid to the Treasurer of Charleston County and shall be disposed of as follows:

(a) Any accrued interest shall be applied to the payment of the first instalment of interest to become due on such bonds;

(b) The premium, if any, shall be applied to the payment of the first instalment of principal of such bonds; and

(c) The balance remaining shall be expended, on the warrant of the commission, for the following purposes:

(1) All costs and expenses incurred in connection with the issuance and sale of the bonds; and

(2) To meet costs incurred in providing additional fire protection facilities. The extent to which funds shall be applied for such purposes shall be within the discretion of the commission.

SECTION 13. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 24th day of March, 1966.

(R921, S598)

No. 1209

A Joint Resolution Proposing An Amendment To Section 7 Of Article VIII And Section 5 Of Article X Of The Constitution Of South Carolina, 1895, Limiting The Amount Of Bonded Indebtedness Which May Be Incurred By Political Subdivisions Of This State, So As To Increase The Limitation On The Bonded Indebtedness Of The Town Of Summerville.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Amendment to Section 7, Article VIII, State Constitution, proposed—bonded indebtedness of Town of Summerville.—It is proposed that Section 7 of Article VIII of the Constitution of South Carolina, 1895, be amended by adding at the end thereof the following: "*Provided*, That the limitations imposed by Section 7 of Article VIII and by Section 5 of Article X of the Constitution shall not apply to any indebtedness incurred by the Town of Summerville as now or hereafter constituted, but in addition to the powers now possessed, the Town of Summerville may increase its bonded indebtedness to an amount not exceeding fifteen per cent of the taxable property therein where the proceeds of the bonds are applied to the proper corporate purposes for the Town of Summerville, including the payment of indebtedness already incurred for such purposes, when the question of incurring such indebtedness is submitted to the freeholders and qualified voters of the municipality as provided by law. *Provided*, however, that nothing herein contained shall be construed to limit the operation of the amendment to Section 7 of Article VIII of the Constitution, approved February 3, 1911, by which the limitations imposed by Section 7 of Article VIII and by Section 5 of Article X of the Constitution were removed from any municipal corporation when the proceeds of the bonds are applied solely and exclusively for the purchase, establishment and maintenance of a waterworks plant, or sewerage system, or lighting plant, and when the question of incurring such indebtedness is submitted to the freeholders and qualified voters of

the municipality as provided in the Constitution upon the question of other bonded indebtedness, and the amendment of February 3, 1911, shall remain in full force and effect and the Town of Summerville shall have the full benefit thereof."

SECTION 2. Amendment to Section 5, Article X, State Constitution, proposed—bonded indebtedness—Town of Summerville.—It is proposed that Section 5 of Article X of the Constitution of South Carolina, 1895, be amended by adding at the end thereof the following: "*Provided*, That the limitations imposed by Section 7 of Article VIII and by Section 5 of Article X of the Constitution shall not apply to any indebtedness incurred by the Town of Summerville as now or hereafter constituted, but in addition to the powers now possessed, the Town of Summerville may increase its bonded indebtedness to an amount not exceeding fifteen per cent of the taxable property therein where the proceeds of the bonds are applied to the proper corporate purposes for the Town of Summerville, including the payment of the indebtedness already incurred for such purposes, when the question of incurring such indebtedness is submitted to the freeholders and qualified voters of the municipality as provided by law. *Provided*, however, that nothing herein contained shall be construed to limit the operation of the amendment to Section 7 of Article VIII of the Constitution, approved February 3, 1911, by which the limitations imposed by Section 7 of Article VIII and by Section 5 of Article X of the Constitution were removed from any municipal corporation when the proceeds of the bonds are applied solely and exclusively for the purchase, establishment and maintenance of a waterworks plant, or sewerage system, or lighting plant, and when the question of incurring such indebtedness is submitted to the freeholders and qualified voters of the municipality as provided in the Constitution upon the question of other bonded indebtedness, and the amendment of February 3, 1911, shall remain in full force and effect and the Town of Summerville shall have the full benefit thereof."

SECTION 3. Submission to electors.—The proposed amendments shall be submitted to the qualified electors at the next general election for representatives. Ballots shall be provided at the various voting precincts with the following words printed or written thereon:

"Amendment No. 1

Shall Section 7 of Article VIII of the Constitution of this State, limiting the amount of bonded indebtedness which may be incurred

by a municipality, be amended so as to permit the Town of Summerville to incur bonded indebtedness for corporate purposes to the extent of not exceeding fifteen per cent of the assessed value of all taxable property therein?

In favor of the amendment ☐

Opposed to the amendment ☐

Amendment No. 2

Shall Section 5 of Article X of the Constitution of this State, limiting the amount of bonded indebtedness which may be incurred by a municipality, be amended so as to permit the Town of Summerville to incur bonded indebtedness for corporate purposes to the extent of not exceeding fifteen per cent of the assessed value of all taxable property therein?

In favor of the amendment ☐

Opposed to the amendment ☐

Those voting in favor of one or both of the foregoing amendments shall mark the ballot with a check or cross mark in the square after the words 'In favor of the amendment' which immediately follow the appropriate amendment, and those voting against one or both of the foregoing amendments shall mark the ballot with a check or cross mark in the square after the words 'Opposed to the amendment' which immediately follow the appropriate amendment."

Ratified the 24th day of March, 1966.

(R994, H2380)

No. 1210

An Act To Authorize The Board Of Trustees Of School District No. 20 Of Charleston County To Issue General Obligation Bonds Of The District In An Amount Not To Exceed Five Hundred Thousand Dollars Within The Applicable Constitutional Debt Limit Of The District; To Prescribe The Conditions Under Which The Bonds May Be Issued And The Purposes For Which Their Proceeds May Be Expended; And To Make Provision For The Payment Of The Bonds.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Findings of General Assembly.—The General Assembly finds that careful surveys of the physical facilities of the

public school system of School District No. 20 of Charleston County (hereinafter called the School District) has been made by the Board of Trustees of the School District (hereinafter called the Board). Such studies have established that additional public school facilities must be provided for the School District and that the cost to be borne by the School District should be raised by an issue of general obligation bonds. The General Assembly has therefore determined to empower the Board to provide additional public school facilities for the School District and raise therefor the sum of not exceeding five hundred thousand dollars or such lesser amount as may be within the applicable constitutional debt limit through the sale of the bonds authorized by this act.

SECTION 2. Bonds may be issued.—The Board is hereby authorized and empowered to provide such additional public school facilities as it shall deem necessary and to repair, enlarge and improve the existing facilities. The Board is hereby further empowered to issue general obligation bonds of the School District, without the necessity of holding an election, in the aggregate principal amount of not exceeding five hundred thousand dollars or such lesser amount as may be within the applicable constitutional debt limit at the time of their issuance and to apply the proceeds of such bonds to the purposes prescribed by this act.

SECTION 3. Maturity.—All bonds shall mature in such annual series or instalments as the Board shall provide, except that the first maturing bonds of any issue shall mature not later than three years from the date as of which they shall be issued, and no bond shall mature later than twenty-five years from the date it is issued.

SECTION 4. Redemption.—Any bond may be issued with a provision for its redemption prior to its stated maturity at par and accrued interest, plus such redemption premium as may be prescribed by the Board, but no bond shall be redeemable before maturity unless it contains a statement to that effect. In the proceedings authorizing the issuance of such bonds, provisions shall be made specifying the manner of call and the notice that must be given.

SECTION 5. Form.—The bonds shall be in the form of negotiable coupon bonds, payable to bearer, but may be issued with the privilege to any holder of having them registered as to principal on the books of the Treasurer of Charleston County, upon such condition as the Board may prescribe. Except when so registered, all bonds shall have all

attributes of negotiable instruments under the law merchant and the negotiable instruments law.

SECTION 6. Denomination.—The bonds shall be in such denomination and shall be made payable at such places, within or without the State, as the Board shall prescribe, and shall bear such interest as may be determined by the Board.

SECTION 7. Execution.—The bonds, and the coupons to be thereunto attached, shall be executed in such manner as the Board shall by resolution prescribe.

SECTION 8. Sale.—The bonds shall be sold at a price of not less than par and accrued interest to the date of their respective deliveries. They shall be sold at public sale, after public advertisement of the sale in a newspaper of general circulation in South Carolina. In such event the published notice shall appear not less than ten days prior to the occasion set for opening bids.

SECTION 9. Payment.—For the payment of the principal and interest of all bonds, as they respectively mature, and for the creation of such sinking fund as may be necessary therefor, the full faith, credit and taxing power of the district shall be irrevocably pledged, and there shall be levied annually by the Auditor, and collected by the Treasurer of Charleston County, in the same manner as county taxes, a tax without limit, on all taxable property in the School District, sufficient to pay the principal and interest of such bonds as they respectively mature and to create such sinking fund as may be necessary therefor.

SECTION 10. Exempt from taxes.—The principal and interest of bonds issued pursuant to this act shall have the tax exempt status prescribed by Section 65-4.1 of the 1962 Code.

SECTION 11. Proceeds.—The proceeds derived from the sale of any bonds issued pursuant to this act shall be paid to the Treasurer of Charleston County, to be deposited in a bond account fund for the School District, and expended by the Board as follows:

(a) Any accrued interest shall be applied to the payment of the first instalment of interest to become due on such bonds.

(b) Any premium shall be applied to the payment of the first instalment of principal of such bonds.

(c) The remaining proceeds shall be used to defray the cost of issuing the bonds authorized hereby, and to pay costs to be incurred

in the constructing and equipping of additional public school facilities in the School District.

(d) Any balance remaining shall be held by the Treasurer of Charleston County in a special fund and used to effect the retirement of bonds authorized hereby.

SECTION 12. Powers to be additional.—The powers and authorizations hereby conferred upon the Board shall be in addition to all other powers and authorizations previously vested in the Board, and may be availed of pursuant to action taken at any regular or special meeting of the Board.

SECTION 13. Issuance of bonds.—No election is prescribed as a condition precedent to the issuance of the bonds, and no action other than that prescribed herein need be taken to effect the issuance of the bonds, nor shall the Board be required to obtain the approval of any public agency to any action taken pursuant to the authorizations of this act.

SECTION 14. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 13th day of April, 1966.

(R995, H2385)

No. 1211

A Joint Resolution Proposing An Amendment To Section 7 Of Article VIII And Section 5 Of Article X Of The Constitution Of South Carolina, 1895, Limiting The Amount Of Bonded Indebtedness Which May Be Incurred By Political Subdivisions Of This State, So As To Relax The Limitations Imposed Upon The Power Of The City Of Charleston To Incur Bonded Indebtedness.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Findings of General Assembly.—The General Assembly finds that it is desirable that the limitations imposed by Section 7 of Article VIII and Section 5 of Article X of the State Constitution as they now exist, with respect to the power of the City of Charleston to incur bonded indebtedness be further relaxed.

SECTION 2. Amendment to Article VIII, Section 7, State Constitution, proposed—bonded indebtedness, City of Charleston.—

There is proposed the following amendment to Section 7 of Article VIII of the Constitution of South Carolina, 1895, as amended, by adding at the end thereof the following proviso:

“Provided, that the limitations imposed by this Section 7 of Article VIII and Section 5 of Article X shall not apply to the City of Charleston, as now constituted, or as hereafter enlarged or diminished, and the city may incur bonded indebtedness for any corporate purpose, to the extent of not exceeding twenty per cent of the assessed value of the taxable property therein, if the question of incurring such indebtedness be approved by the qualified electors of such municipality in elections called for such purpose. The power to incur bonded indebtedness pursuant to this provision shall be in addition to and not in derogation of the presently existing power of the City of Charleston to incur bonded indebtedness pursuant to the provisions of any special or general constitutional amendment to Section 7 of Article VIII and Section 5 of Article X of this Constitution relating to or affecting the City of Charleston.”

SECTION 3. Submission to electors.—The proposed amendment shall be submitted to the qualified electors at the next general election for members of the House of Representatives. Ballots shall be provided at the various voting precincts throughout the State, with the following words printed or written thereon:

“Shall the limitations now imposed by Section 7 of Article VIII and Section 5 of Article X of the Constitution of South Carolina, 1895, as amended, be further relaxed so as to permit the City of Charleston to incur bonded indebtedness for corporate purposes to the extent of not exceeding twenty per cent of the assessed value of all taxable property therein?

In favor of the amendment ☐

Opposed to the amendment ☐

Those voting in favor of the amendment shall deposit a ballot with a check or cross mark in the square after the words ‘In favor of the amendment’, and those voting against the amendment shall deposit a ballot with a check or cross mark in the square after the words ‘Opposed to the amendment’.”

Ratified the 12th day of April, 1966.

(R1025, H2387)

No. 1212**An Act Providing For The Creation Of Watershed Conservation Districts In Charleston County And The Election Of Directors, Their Powers And Duties; And Providing For A Levy Of Taxes For The Organization And Administration Of The Districts And For The Construction, Operation And Maintenance Of Works Of Improvement Within The Districts.**

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Definitions.—Whenever used or referred to in this act, unless a different meaning clearly appears from the context:

(1) "Watershed conservation district" means a governmental subdivision of this State, and a public body corporate and politic, organized in accordance with the provisions of this act, for the purposes, with the powers, and subject to the restrictions hereinafter set forth.

(2) "Director" means one of the members of the governing body of a watershed conservation district, elected in accordance with the provisions of this act.

(3) "Supervisor" means one of the members of the governing body of the Charleston Soil and Water Conservation District in which any part of a watershed conservation district is situated.

(4) "Petition" means a petition filed under the provisions of Section 4 of this act for the creation of a watershed conservation district.

(5) "County" means Charleston County of South Carolina.

(6) "Landowner" or "owner of land" includes any person, firm or corporation who shall hold legal or equitable title to any lands lying within a watershed conservation district organized under the provisions of this act.

(7) "Due notice" means notice published at least twice, with an interval of at least one week between the two publication dates, in a publication of general circulation within the appropriate area, or, if no such publication of general circulation be available, notice posted at a reasonable number of conspicuous places within the appropriate area, such posting to include, where possible, posting at public places where it is customary to post notices concerning county or municipal affairs generally.

SECTION 2. Watershed conservation districts may be formed in Charleston County.—Authority is hereby granted to form watershed

conservation districts within Charleston County for the purpose of developing and executing plans and programs relating to any phase of the control and prevention of soil erosion, flood prevention, or the conservation, development, utilization and disposal of water.

SECTION 3. Area.—The area embraced in a watershed conservation district must be contiguous and must lie within a well-defined watershed; and such area shall not include lands located within the boundary of any incorporated city or town, or lands embraced in another watershed conservation district.

SECTION 4. Petition for formation.—When twenty-five or more landowners within a proposed watershed conservation district, or, if less than fifty landowners are involved, a majority of such landowners, desire to form a watershed conservation district, they shall file a petition with the supervisors of the soil and water conservation district asking that a watershed conservation district be organized to function in the area described in the petition. Such petition shall set forth the proposed name of the watershed conservation district; that there is need, in the interest of the public health, safety and welfare, for a watershed conservation district to function in the territory described in the petition; a description of the territory proposed to be organized as a watershed conservation district, which description need not be given by metes and bounds or by legal subdivisions, but shall be deemed sufficient if generally accurate; and the approximate number of acres of land included in the proposed watershed conservation district.

SECTION 5. Hearing on petition.—(1) Within thirty days after such petition has been filed with the supervisors of the soil and water conservation district, they shall cause due notice to be given of a hearing upon the question of the desirability and necessity, in the interest of the public health, safety and welfare, of the creation of such watershed conservation district. All interested parties shall have the right to attend such hearing and to be heard. If it shall appear at the hearing that other lands should be included in the petition or that lands included in the petition should be excluded, the supervisors shall permit such inclusion or exclusion, provided the land area involved still meets the requirements of Section 3 of this act.

(2) If it appears upon the hearing that it may be desirable to include within the proposed watershed conservation district territory outside of the area within which due notice of the hearing has been

given, the hearing shall be adjourned and due notice of a further hearing shall be given throughout the entire area considered for inclusion in the proposed watershed conservation district, and such further hearing shall be held. After final hearing, if the supervisors of the soil and water conservation district determine, upon the facts presented at the hearing and upon other available information, that there is need, in the interest of the public health, safety and welfare, for a watershed conservation district to function in the territory considered at the hearing, they shall make and record such determination, and shall define the area, but the description need not be given by metes and bounds. The description shall be deemed sufficient if generally accurate and the approximate number of acres of land included in the proposed watershed conservation district is shown.

(3) If the supervisors of the soil and water conservation district determine after such hearing that there is no need for a watershed conservation district to function in the territory considered at the hearing, they shall make and record such determination and shall deny the petition.

SECTION 6. Referendum.—After the supervisors of the soil and water conservation district have made and recorded a determination that there is need, in the interest of the public health, safety and welfare, for a watershed conservation district to function in the territory considered at the hearing, and have defined the boundaries thereof, they shall consider the question of whether the operation of a watershed conservation district within the proposed boundaries with the powers conferred upon it by this act is administratively practicable and feasible. To assist the supervisors in making this determination they shall, within a reasonable time after the entry of a finding that there is need for the organization of a watershed conservation district and the determination of the boundaries thereof, hold a referendum within the proposed watershed conservation district upon the proposition of the creation of the watershed conservation district. Due notice of the referendum shall be given by the supervisors. Such notice shall state the date of holding the referendum, the hours of opening and closing the polls, and shall designate one or more places within the proposed watershed conservation district as polling places and shall give notice that the directors shall have the power of eminent domain. The supervisors shall have full charge of the referendum and shall have suitable ballots printed and furnished to each polling place, appoint necessary box managers and other referendum officials,

and shall canvass the referendum and announce the results. The cost of holding the referendum shall be paid from the general fund of Charleston County. *Provided*, that notwithstanding any provision of law to the contrary, the power of eminent domain shall not be exercised over the protest of any landowner until it is conclusively established that the land proposed to be condemned is absolutely essential to the creation and operation of the watershed conservation district.

SECTION 7. Question.—The question to be voted on shall be submitted by ballots upon which appear the words:

“For creation of Watershed Conservation District”

“Against creation of Watershed Conservation District”

A square shall follow each proposition. The ballot shall contain a direction to insert an “X” mark in the square following one or the other of the propositions as the voter may favor or oppose creation of the watershed conservation district. The ballot shall set forth the boundaries of the proposed watershed conservation district as determined by the supervisors of the soil and water conservation district. No one except qualified electors within the boundaries of the proposed watershed conservation district, as determined by the supervisors of the soil and water conservation district, shall be eligible to vote in the referendum. Qualified voters may vote by absentee ballot in the referendum under such rules and regulations as may be prescribed by the supervisors. No informalities in the conduct of the referendum or in any matters relating thereto shall invalidate the referendum or the result thereof if notice of the referendum shall have been given substantially as herein provided and the referendum shall have been fairly conducted.

SECTION 8. Results—district to be created if results and determination favorable.—The votes shall be counted by the referendum officials at the close of the polls and a report of the results, along with the ballots, shall be delivered and certified to the supervisors of the soil and water conservation district; and thereafter the supervisors shall determine whether the operation of the watershed conservation district within the defined boundaries is administratively practicable and feasible. If the supervisors determine that the operation of such district is not administratively practicable and feasible, they shall record such determination and deny the petition. If the supervisors determine that the operation of such district is administratively practicable and feasible, they shall record such determination and shall

proceed with the organization of such district in the manner hereinafter set forth; *provided*, however, that the supervisors shall not have authority to determine that the operation of such district is administratively practicable and feasible unless at least a majority of the votes cast in the referendum upon the proposition of the creation of such district shall have been cast in favor of the creation of the district. If the supervisors shall determine that the operation of such district is administratively practicable and feasible, they shall certify such determination to the Clerk of Court for Charleston County and to the Secretary of State. Upon proper recordation of such determination, such watershed conservation district shall constitute a governmental subdivision of this State and a public body corporate and politic. After being recorded, such certification shall be filed with the State Soil and Water Conservation Committee.

SECTION 9. Board of directors to govern district—nominating petitions—election—ballots—terms—officers—bond of treasurer.

—(1) The governing body of the watershed conservation district shall consist of five directors, elected as provided herein.

(2) Within thirty days after a watershed conservation district has been created, nominating petitions may be filed with the supervisors of the soil and water conservation district to nominate candidates for directors of the watershed conservation district. No such nominating petition shall be accepted by the supervisors unless it is signed by twenty-five or more landowners within the watershed conservation district, or, if less than fifty landowners are involved, by a majority of such landowners. If the candidates nominated do not exceed the number of directors to be chosen, the supervisors shall declare them to be elected. No person shall be eligible to be a director of a watershed conservation district who is not a landowner in the watershed conservation district in which he seeks election.

(3) If the candidates nominated for directors of the watershed conservation district exceed the number of directors to be chosen, the supervisors of the soil and water conservation district shall, after having given due notice thereof, cause an election to be held within the watershed conservation district within a reasonable time after the expiration of the nominating period. The provisions of Sections 5, 6 and 7 of this act as to notice, qualifications of voters, absentee voting, and the manner of holding the referendum in organizing a watershed conservation district, shall apply insofar as practicable to the election of the directors. The names of all qualified nominees

shall be printed in alphabetical order upon ballots with a square before each name and a direction to insert an "X" mark in the square before any five names to indicate the voter's preference. No one except qualified electors within the watershed conservation district shall be eligible to vote in the election. The five candidates who shall receive the largest number respectively of the votes cast in the election shall be the directors of the watershed conservation district, and shall, under the supervision of the supervisors of the soil and water conservation district, be the governing body of the watershed conservation district.

(4) Of the directors first elected, the two receiving the largest number of votes shall serve for terms of four years, the two receiving the next largest number of votes shall serve for terms of three years, and the one receiving the next largest number of votes shall serve for a term of two years. The term of office of each of their successors shall be for four years, and until their successors are elected and qualify. Vacancies shall be filled by selection by the supervisors for the unexpired portion of the term only.

(5) The directors shall annually designate from among their number a chairman, secretary, and treasurer. The treasurer shall execute an official bond for the faithful performance of the duties of his office, to be approved by the directors. Such bond shall be executed by a surety company authorized to do business in this State and shall be in an amount determined by the directors. The premium on each bond shall be paid by the watershed conservation district.

SECTION 10. District to be corporate body—powers and duties.—A watershed conservation district organized under the provisions of this act shall constitute a governmental subdivision of this State, and a public body corporate and politic, exercising public powers, and such district and the directors thereof shall, subject to the approval of the supervisors of the soil and water conservation district, have the following powers, in addition to others granted in other sections of this act:

(1) To acquire, by purchase, exchange, lease, gift, grant, bequest, devise, or otherwise, or through condemnation proceedings in the manner provided in Sections 25-101 through 25-140 and Sections 33-121 through 33-148, Code of Laws of South Carolina, 1962, such lands, easements or rights-of-way as are needed to carry out any authorized purpose of the watershed conservation district; and to sell, lease, or otherwise dispose of any of its property or interests

therein in furtherance of the purposes and provisions of this act; *provided*, that the power of eminent domain conferred hereunder shall not extend to the property of any public utility or public service corporation that the utility or public service corporation could have acquired under its power of eminent domain;

(2) To construct, reconstruct, repair, enlarge, improve, operate, and maintain such works of improvement as may be necessary or convenient for the performance of any of the operations authorized by this act;

(3) To borrow money and to execute promissory notes and other evidences of debt in connection therewith for payment of the costs and expenses of organizing the watershed conservation district or for carrying out any authorized purpose of such district, and if promissory notes are issued, to execute such mortgages on any property owned by such district, or assign or pledge such revenues or assessments of such district as may be required by the lender as security for the repayment of the loan; and to issue, negotiate, and sell its bonds as provided in Section 11 of this act;

(4) To levy an annual tax on the real property within the district subject to the limitations provided in Section 13 of this act for payment of the costs and expenses of organizing the watershed conservation district or for carrying out any authorized purpose of such district. Such levy shall be made only after approval by the supervisors of the soil and water conservation district and upon notifying the county auditor; and

(5) Where watersheds cross county or state lines, the watershed directors are authorized to work with similar organizations in determining cost sharing to solve common problems.

SECTION 11. Bonds not to be issued unless referendum held.—

(1) Bonds authorized by Section 10 of this act shall not be issued until proposed by order or resolution of the directors of the watershed conservation district, specifying the purpose for which the funds are to be used and the proposed undertaking, the amount of bonds to be issued, the rate of interest they are to bear, and the amount of any necessary tax levy in excess of the maximum authorized in Section 13 of this act. A copy of the order or resolution shall be certified to the supervisors of the soil and water conservation district.

(2) The supervisors shall hold a hearing on such proposal after having given due notice. If it appears that the proposal is within the scope and purpose of this act and meets all other requirements of

the law, the proposal shall be submitted to the qualified electors of the district by a referendum held by the supervisors.

(3) The provisions of Sections 5, 6 and 7 of this act as to notice, qualifications of voters, absentee voting, and manner of holding the referendum in organizing a watershed conservation district shall apply to the referendum held under this section.

(4) If two-thirds of the votes cast in such referendum favor the proposal, the directors shall, with the approval of the supervisors, be authorized to issue such bonds.

SECTION 12. Compensation.—The directors of the watershed conservation district shall receive no compensation for their services, but they may be reimbursed for expenses, including traveling expenses, necessarily incurred in the performance of their duties as approved by the supervisors of the soil and water conservation district.

SECTION 13. Budget—tax levy.—Within the first quarter of each calendar year, the directors of the watershed conservation district shall prepare an itemized budget of the funds needed for administration of the watershed conservation district and for construction, operation and maintenance of works of improvement. After approval of such budget by the supervisors of the soil and water conservation district, the county auditor shall levy a tax sufficient to meet such budget on all real property within the watershed conservation district of not to exceed five mills on each dollar of assessed valuation, except that this limitation shall not apply to any levy necessary to provide a sinking fund for the retirement of bonds authorized by Section 11 of this act. A copy of such budget shall be certified to the Auditor of Charleston County.

SECTION 14. List of landowners and acres subject to assessment.—(1) The directors of the watershed conservation district, with the assistance of the county auditor, shall prepare a list of the landowners involved, showing the number of acres subject to assessment.

(2) When the property tax rolls are delivered to the county treasurer by the county auditor, as required by law, the county treasurer shall compute the tax due the watershed conservation district from each landowner in accordance with the rate fixed by the directors and the value of the real property indicated on the tax roll. The computation shall be made on the regular tax bills.

SECTION 15. Collection of taxes.—(1) The county treasurer shall collect the taxes due the watershed conservation district at the same time and in the same manner as he collects other taxes of the county.

(2) The taxes shall be subject to the same due and delinquency dates, discounts, penalties and interests as are applied to the collection of county taxes.

SECTION 16. Expenditures.—Tax funds collected shall be transferred to and held by the treasurer of the watershed conservation district for the specific purpose for which they have been collected. All expenditures of such funds shall be made by the directors of the watershed conservation district with the approval of the supervisors of the soil and water conservation district.

SECTION 17. Petition to have lands detached.—The owners of lands which have not been, are not and cannot be benefited by their inclusion in the watershed conservation district may petition the supervisors of the soil and water conservation district to have such lands detached. The petition shall describe such lands and state the reasons why they should be detached. A hearing shall be held by the supervisors within thirty days after the petition is filed and due notice of such hearing shall be given by the supervisors. If it is determined by the supervisors that such lands shall be detached, such determination shall be certified to the Auditor of Charleston County for recording. After being recorded, the certification shall be filed with the State Soil and Water Conservation Committee.

SECTION 18. Petition for discontinuance of district—hearing—referendum—discontinuance if election and determination favorable.—(1) At any time after five years after the organization of a watershed conservation district, twenty-five or more landowners within such district, or if less than fifty landowners are involved, a majority of such landowners, may file a petition with the supervisors of the soil and water conservation district asking that the existence of the watershed conservation district be discontinued. The petition shall state the reasons for discontinuance, and that all obligations of the watershed conservation district have been met. The supervisors may conduct such hearings upon the petition as may be necessary to assist them in the consideration thereof.

(2) Within sixty days after such petition has been filed with the supervisors they shall give due notice of the holding of a referendum. The supervisors shall hold such referendum substantially as provided for in Section 11 of this act. The question shall be submitted by ballots upon which the words "For terminating the existence of the Watershed Conservation District" and

"Against terminating the existence of the Watershed Conservation District" shall be printed, with a square before each proposition and a direction to insert an "X" mark in the square before one or the other of the propositions as the voter may favor or oppose the discontinuance of such watershed conservation district. The qualified electors of the watershed conservation district shall be eligible to vote in such referendum. No informality in the conduct of the referendum or in any matters relating thereto shall invalidate the referendum or the results thereof if notice of the referendum shall have been given substantially as herein provided and the referendum shall have been fairly conducted.

(3) The supervisors shall publish the results of the referendum and shall thereafter determine whether the continued operation of the watershed conservation district is administratively practicable and feasible. If the supervisors determine that the continued operation of the watershed conservation district is administratively practicable and feasible, they shall record such determination and deny the petition. If the supervisors determine that the continued operation of the watershed conservation district is not administratively practicable and feasible, they shall record such determination and shall certify such determination to the directors of the watershed conservation district; *provided*, however, that the supervisors shall not be authorized to determine that the continued operation of the watershed conservation district is administratively practicable and feasible unless at least a majority of the votes cast in the referendum shall have been cast in favor of the continuance of the watershed conservation district.

(4) Upon receipt from the supervisors of a certification that they have determined that the continued operation of the watershed conservation district is not administratively practicable and feasible, the directors shall forthwith proceed to terminate the affairs of the watershed conservation district. A copy of the determination shall be certified to the Auditor of Charleston County for recording. After being recorded, the certification shall be filed with the State Soil and Water Conservation Committee.

SECTION 19. Supervisory authority if district discontinued.—If the Charleston County Soil and Water Conservation District is discontinued, all supervisory authority over the affairs of the watershed conservation district which was previously exercised by the supervisors shall thereafter be exercised by the governing body of Charleston County.

SECTION 20. Not to affect existing districts.—The provisions of this act shall not affect any watershed conservation district in existence in the county prior to the effective date.

SECTION 21. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 22nd day of April, 1966.

(R1067, H2464)

No. 1213

An Act To Authorize The City Of Charleston To Construct Sewage Tunnels Under The Bed Of The Ashley River And Waters Connecting Therewith in Charleston County.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Findings of General Assembly.—The General Assembly finds that in order to preserve the public health of the City of Charleston and its surrounding environs, and to eliminate the pollution of the Charleston Harbor as required by law, the City of Charleston proposes to construct sewage treatment facilities, which are tentatively intended to be located on Plum Island. The plan recommended to the city by consulting engineers employed for such purpose contemplates the construction of collector lines intended to convey sewage and other wastes to the proposed treatment plant which are to be located in subterranean tunnels to be constructed under the Ashley River and waters connecting therewith. The General Assembly finds that in order to locate such tunnels under the bed of the Ashley River and waters connecting therewith, permission therefor must be given by the State of South Carolina as the owner of the beds of such river and waters.

SECTION 2. City of Charleston may construct sewage tunnels.—The City of Charleston is authorized to construct, operate, maintain, enlarge and improve tunnels below the bed of the Ashley River and waters connecting therewith, so as to provide a means for conveying sewage and other wastes originating within the corporate limits of the city, as now or as hereafter constituted, to any treatment plant constructed by the city on Plum Island. The tunnels may be so constructed as to provide for the laying of sewer mains and lines and mains for water and other utilities.

SECTION 3. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 22nd day of April, 1966.

(R1231, H2628)

No. 1214

An Act To Authorize The County Council Of Charleston County To Issue And Sell Not Exceeding Five Hundred Thousand Dollars Of General Obligation Bonds Of Charleston County; To Prescribe The Conditions Under Which The Bonds May Be Sold, The Conditions Under Which Their Proceeds Shall Be Expended; And To Make Provision For The Payment Of The Bonds.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Findings of General Assembly.—The General Assembly finds that the County Council of Charleston County (County Council) has determined that additional public health facilities are needed for Charleston County, including (a) a nursing and convalescent home, (b) an expansion of the existing facilities of the county health center, and (c) additional mental health facilities. The additional facilities described in (b) and (c) may be combined in a single building or may be constructed separately. The cost of such facilities will be defrayed in large part by Federal or other funds, but the county must raise approximately four hundred fifty thousand dollars to provide matching funds. In addition, County Council may need approximately sixty thousand dollars to purchase land to accommodate other county facilities.

SECTION 2. Notes may be issued.—In order to provide the funds required for the projects authorized to be undertaken by this act, County Council may issue general obligation bonds or notes of Charleston County in the aggregate principal amount of not exceeding five hundred thousand dollars, or such lesser amount as shall be within the applicable debt limitation at the time or times of issuance.

The action to be taken by County Council in effecting the issuance of the bonds or notes authorized by this act may be taken at special or regular meeting and may be in the form of a resolution which shall become effective immediately upon its adoption at the meeting at which it is presented, notwithstanding that the procedure herein

authorized shall be different from the procedure authorized by Article 3, Chapter 26, Title 14, Code of Laws of South Carolina, 1962, for the issuance of bonds or notes by County Council on behalf of Charleston County.

SECTION 3. Form—issue.—The bonds or notes authorized by this act may be issued as a single issue, or from time to time as several separate issues. They shall mature in such series or instalments as County Council shall from time to time determine, except that the first maturing bonds or notes shall mature within one year of the date of issuance and the last maturing bonds shall mature within ten years of the date of issuance.

SECTION 4. Redemption.—The bonds or notes may contain a provision permitting their redemption prior to their stated maturity at such rate of premium as may be prescribed by County Council. They shall bear such rates of interest as County Council shall determine, payable semi-annually. They shall bear such date and be payable at such places as County Council shall determine. If bonds are issued, the bonds may be issued with the privilege to the holder of having them registered as to principal on the books of the County Treasurer of Charleston County, and the principal thus made payable to the registered holder, unless the last registered transfer shall have been to bearer, upon such conditions as County Council may prescribe.

SECTION 5. Execution.—If bonds are issued, the bonds shall be executed, and the coupons authenticated, in such manner as County Council shall by resolution prescribe.

SECTION 6. Sale.—If bonds are issued pursuant to this act, they shall be sold at not less than par and accrued interest to the date of their delivery, at public sale, and at least ten days prior to any sale, notice, announcing the intention to receive bids for the sale of the bonds authorized by this act, shall be published in a newspaper of general circulation in the State of South Carolina.

SECTION 7. Proceeds.—The proceeds derived from the sale of the bonds or notes shall be deposited with the Treasurer of Charleston County in a special fund, separate and distinct from all other funds, and shall be expended, upon the order or warrant of County Council, to:

- (a) Defray the cost of issuing the bonds or notes;
- (b) Apply any premium to the payment of the first installment of principal;

(c) Apply all accrued interest to the first installment of interest; and

(d) Use the remaining proceeds for the purposes specified in Section 1, as follows:

(i) Not more than three hundred ten thousand dollars shall be used, together with Federal funds, to defray the cost of constructing and equipping a public nursing and convalescent home to be owned and operated by Charleston County;

(ii) Not more than one hundred forty thousand dollars shall be used, together with other funds available, including Federal funds, to defray the cost of providing an expansion of the county health center facilities and additional mental health facilities to be owned and operated by Charleston County.

If any moneys shall remain after making the foregoing applications, the remainder shall be applied to the retirement of bonds or notes issued pursuant to this act. No purchaser or subsequent holder of any of the bonds or notes shall be responsible for the proper application of the proceeds to the purposes for which such bonds or notes are issued.

SECTION 8. Payment.—For the payment of the principal and interest of all bonds or notes issued pursuant to this act, as they respectively mature, and for the creation of such sinking fund as may be necessary therefor, the full faith, credit and taxing power of Charleston County shall be irrevocably pledged, and there shall be levied annually by the Auditor of Charleston County, and collected by the Treasurer of the County, in the same manner as county taxes are levied and collected, a tax without limit on all taxable property in Charleston County.

SECTION 9. Exempt from taxes.—The principal and interest of all bonds or notes issued pursuant to this act shall have the tax-exempt status prescribed by Section 65-4.1, Code of Laws of South Carolina, 1962.

SECTION 10. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 14th day of May, 1966.

(R1279, S748)

No. 1215

An Act To Amend Act No. 267 Of 1965, Relating To The Exemption Of Pleasure Watercraft In Charleston County From Taxes For A Period Of One Year, So As To Make Such Exemption Applicable For The Year 1966.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 1 of Act 267, 1965, amended—**Charleston County—pleasure watercraft exempt from taxes.**—Section 1 of Act No. 267 of 1965 is amended on lines two and three by striking “for a period of one year from the effective date of this act” and inserting “for the year 1966”. The section when amended shall read as follows:

“Section 1. In Charleston County all pleasure watercraft shall be exempt from county, school and municipal taxes for the year 1966.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 20th day of June, 1966.

(R1289, S809)

No. 1216

An Act To Amend An Act Of 1966, Bearing Ratification No. 1231, Relating To The Issuance Of Bonds Of Charleston County For Certain Purposes, So As To Authorize The Expenditure Of Not More Than Sixty Thousand Dollars Of The Proceeds Thereof For The Purchase Of Land For Certain County Facilities.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 7(d) of Act No. 1214 of 1966, amended—**Charleston County—use of proceeds of bond issue.**—Section 7(d) of an act of 1966, bearing Ratification No. 1231, is amended by changing the period at the end of “(ii)” to a semicolon and adding the following:

“(iii) Not more than sixty thousand dollars shall be used to purchase land to accommodate other county facilities.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 8th day of June, 1966.

(R1368, H2685)

No. 1217

An Act To Authorize The Board Of Trustees Of Moultrie School District No. 2 Of Charleston County, The State Of South Carolina, To Issue General Obligation Notes Of The School District In An Amount Not Exceeding Twenty-Five Thousand Dollars, To Prescribe The Conditions Under Which The Notes May Be Issued And The Purposes For Which Their Proceeds May Be Expended, And To Make Provision For The Payment Of The Notes.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Findings of General Assembly.—The General Assembly finds that there exists an immediate need for additional classrooms and related facilities in the public school system operated by Moultrie School District No. 2 of Charleston County (hereafter called the school district), and has determined to permit the board of trustees of the school district (hereafter called the board) to construct and equip them with the proceeds of the notes authorized by this act.

SECTION 2. Moultrie School District 2, Charleston County—may issue notes.—The board may construct additional classrooms and related facilities for the school district. In order to raise moneys therefor, the board may issue and sell general obligation notes of the school district (without the necessity of holding any election), in an amount not to exceed twenty-five thousand dollars, if on the particular occasion that they are issued the applicable constitutional debt limitation shall not be exceeded.

SECTION 3. Form.—The notes shall be of such tenor, form and denomination, and shall bear such date, as the board shall determine, and may be in the form of a single fully registered note. The indebtedness evidenced thereby shall be repayable on such occasions as the board shall prescribe, except that the last maturing instalment thereof shall mature not later than one year after the date of the notes.

SECTION 4. Redemption.—Any note may be issued with a provision permitting its redemption prior to its stated maturity, at par and accrued interest, plus such redemption premium as may be prescribed by the board, but no note shall be redeemable prior to its stated maturity unless it contains a statement to that effect. In the proceedings authorizing the issuance of such notes, provision shall be made specify-

ing the manner of call and the notice thereof that must be given as to notes made redeemable prior to their stated maturities.

SECTION 5. Where payable.—The notes shall be made payable at such places, within or without the State, as the board shall provide.

SECTION 6. Interest.—The notes shall bear interest at rates determined by the board.

SECTION 7. Denomination.—The notes shall be in such denomination and shall be executed in such manner as the board shall prescribe by resolution.

SECTION 8. Sale.—The notes shall be sold at a price of not less than par and accrued interest to the date of their respective deliveries. They may be sold at private sale or, at the option of the board, after public advertisement of their sale in a newspaper of general circulation in South Carolina. Such published notice shall appear not less than ten days prior to the occasion set for opening bids.

SECTION 9. Payment.—For the payment of the principal and interest of all notes issued, as they respectively mature, and for the creation of such sinking fund as may be necessary therefor, the full faith, credit and taxing power of the school district shall be irrevocably pledged, and there shall be levied annually by the Auditor of Charleston County, and collected by the Treasurer of Charleston County, in the same manner as county taxes are levied and collected, on all taxable property in the school district, a tax sufficient to pay the principal and interest of the notes as they respectively mature and to create such sinking fund as may be necessary therefor.

SECTION 10. Exempt from taxes.—The principal and interest of the notes issued shall have the tax exempt status prescribed by Section 65-4.1 of the 1962 Code.

SECTION 11. Proceeds.—The proceeds derived from the sale of any notes shall be paid to the Treasurer of Charleston County, to be deposited in a note account fund for the school district, and shall be expended and made use of as follows:

(a) Any accrued interest shall be applied to the payment of the first instalment of interest to become due on such notes.

(b) Any premium shall be applied to the payment of the first instalment of principal of such notes.

(c) The remaining proceeds shall be expended, upon the warrant or order of the board, for the following purposes:

(1) To defray the costs of issuing the notes authorized by this act;

(2) To provide for additional public school facilities for the school district in the manner contemplated by Section 2 of this act.

(d) If, after the final completion of the board's program, the board shall certify to the Treasurer of Charleston County that any remaining balance in the note account is no longer needed for its program, then such balance shall be held by the treasurer and used to effect the retirement of notes then outstanding, which shall have been issued pursuant to this act.

SECTION 12. Powers additional.—The powers and authorizations hereby conferred upon the board shall be in addition to all other powers and authorizations previously vested in the board and may be availed of pursuant to action taken at any regular or special meeting of the board.

SECTION 13. No other action necessary.—No action other than that prescribed in this act need be taken to effect the issuance of the notes herein authorized, nor shall the board be required to obtain the approval of any public agency to any action taken pursuant to the authorizations of this act.

SECTION 14. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 13th day of June, 1966.

(R1369, H2689)

No. 1218

An Act To Amend Act No. 541 Of 1965, Authorizing The Sullivan's Island Township Commissioners In Charleston County To Issue General Obligation Bonds For Sewerage Facilities, So As To Further Provide Therefor.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 1 of Act No. 541 of 1965 amended—delete requirement of favorable vote.—The last paragraph of Section 1 of Act No. 541 of 1965 is amended by deleting on lines four and five the following: "upon the favorable vote of the qualified electors of the township". The paragraph when amended shall read as follows:

"The General Assembly has, therefore, determined to empower the commissioners to issue one million dollars of general obligation bonds of the township in order to obtain funds to defray the cost of constructing such facilities and, in addition, to authorize the commissioners: (1) to establish and enforce a schedule of sewage service charges; (2) to adopt and enforce regulations requiring all those to whom it is available to connect to the township's sewer system; (3) to adopt regulations generally with regard to the operation of privies, septic tanks or other private sewage facilities within the township; and (4) to impose front foot assessments against properties abutting on the proposed sewer laterals."

SECTION 2. Section 2 of Act No. 541 of 1965 amended—delete reference to election.—Section 2 of Act No. 541 of 1965 is amended by deleting the following on lines one and two: "Upon the favorable result of the election hereinafter prescribed and". The section when amended shall read as follows:

"Section 2. In order to obtain funds to be used for the purpose of constructing sewage collection, treatment and disposal facilities for the township, the commissioners are hereby authorized to issue, either as a single issue, or from time to time as several separate issues, not exceeding one million dollars of general obligation bonds of the township."

SECTION 3. Section 11 of Act No. 541 of 1965, amended—delete reference to election.—Section 11 of Act No. 541 of 1965 is amended by inserting ", but are not required," between "powered" and "to" on line two, and by deleting the following on lines twenty-nine, thirty, thirty-one and thirty-two: "If the commissioners of election determine that a majority of the voters voting in the election voted in favor of the issuance of bonds, the bonds, or any part thereof, may be issued as provided in this act." The section when amended shall read as follows:

"Section 11. The commissioners are empowered, but are not required, to make provision for the holding of a special election in the township, on a date fixed by the commission, at which time there shall be submitted to the qualified electors of the township the question of issuing general obligation bonds of the township for the purposes of Section 2 of this act. The election shall be conducted by the Commissioners of Election for Charleston County, who shall give notice thereof by publication once each week for three successive weeks

prior thereto, in one or more newspapers with general circulation in the township, stating the question to be submitted at the election and specifying the amount in dollars of the bonds proposed to be issued. The election shall be conducted in the precinct of the township as the same is now established by law, and at the regular voting place therein. The question submitted shall be substantially in the following form:

‘Shall the Township of Sullivans Island issue general obligation bonds in a sum not exceeding one million dollars, whose proceeds shall be used for sewage collection, treatment and disposal facilities for the Township?’

YES

NO’

The ballot shall contain suitable instructions, advising the voter that if he favors the issuance of bonds he shall erase or strike through the word ‘NO’ and that if he is opposed to the issuance of bonds, he shall erase or strike through the word ‘YES’. The managers of election at the precinct shall count the ballots and forthwith return the result of the election, together with the original ballots and tally sheets, to the Commissioners of Election for Charleston County, who shall declare the result of the election. Save and except as herein provided, the election shall be conducted in accordance with the provisions of the South Carolina Election Law.”

SECTION 4. Act No. 541, 1965, amended—Add Section 10A—additional powers of commissioners.—Act No. 541 of 1965 is amended by adding Section 10A to read as follows:

“Section 10A. The commissioners are further authorized to:

(a) covenant and agree that until the principal and interest of all bonds issued pursuant to this act have been paid and discharged, it will maintain a schedule of sewer service charges sufficient to provide net revenues in the amounts required to meet the payment of the principal and interest of all bonds of the township issued pursuant to this act; and to enable the township to discharge all covenants and undertakings made by it for the benefit of those who may from time to time be the holders of bonds authorized by this act;

(b) establish a cushion or reserve fund with respect to any issue of bonds authorized by this act, and to covenant and agree that it will maintain such fund at a fixed level, and that the cushion or reserve fund so established shall be applicable solely

for the payment of the principal and interest of the bonds of the issue for which it was established; and

(c) appoint the Treasurer of Charleston County as its fiscal agent to receive for the commissioners all monies originating from the sewer service charge and to direct the treasurer with respect to the disposition of the monies in such manner as to conform to the provisions of any resolution authorizing the issuance of bonds pursuant to this act."

SECTION 5. Act No. 541, 1965, amended—add Section 11A—election on issuance of bonds.—Act No. 541 of 1965 is amended by adding Section 11A to read as follows:

"Section 11A. Although the commissioners are empowered to hold an election on the question of issuing any bonds authorized herein, they are not required to do so and may proceed with the issuance of any bonds authorized by this act without holding any such election; and the favorable result of such an election is declared not to be a condition precedent to the issuance of any bonds authorized by this act unless the special election provided for herein shall be held."

SECTION 6. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 13th day of June, 1966.

(R1370, H2692)

No. 1219

An Act To Authorize James Island School District No. 3 Of Charleston County And James Island Public Service District To Enter Into A Lease Covering Certain School District Property For The Development Of A Public Recreation Area By The Public Service District.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. James Island School District No. 3 of Charleston County and James Island Public Service District may enter into lease.—James Island School District No. 3 of Charleston County and James Island Public Service District are authorized to enter into a lease for the school district property lying at the north end of

Plymouth Avenue in Riverland Terrace upon such terms and conditions as may be agreeable for a term not to exceed fifteen years; *provided*, nothing contained herein shall be construed to authorize the public service district to contract any indebtedness. The public service district is authorized to develop and maintain the property or any portion as a public recreation area.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 13th day of June, 1966.

(R1374, H2650)

No. 1220

An Act To Provide For A Tax Levy In Charleston County To Defray The Costs Of Operating The County Board Of Assessment Control And To Provide For The Disposition Of Funds Received In Settlement Of A Certain Bond Claim.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Tax to be levied in Charleston County to defray cost of Board of Assessment Control.—The Auditor of Charleston County is hereby directed to levy a tax of two and one-half mills on all taxable property in Charleston County to be used to defray the costs of operating the office of the board of assessment control established by Article 5, Chapter 25, Title 65, Code of Laws of South Carolina, 1962, as amended, for the fiscal year beginning July 1, 1966. These funds are to be maintained by the county treasurer in a separate account and disbursed upon warrant of the board of assessment control signed by its chairman and secretary, or any two members authorized by the board.

SECTION 2. Settlement of claim.—The Charleston County Treasurer is authorized and directed also to disburse upon warrant of the board signed as aforesaid up to fifty thousand dollars during such fiscal year out of the monies received by Charleston County in settlement of its claim against the bonding company arising from the failure of the county reassessment program. The balance of the settlement funds, including any income derived therefrom, shall be held by the county treasurer pending further direction of the General Assembly.

SECTION 3. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 13th day of June, 1966.

(R1376, H2653)

No. 1221

An Act To Amend Act No. 443 Of 1949, As Amended, Relating To The St. Andrews Public Service District In Charleston County, So As To Enlarge The District.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Act 443 of 1949 amended—enlarge St. Andrews Public Service District.—Section 2 of Act No. 443 of 1949, as amended, is further amended by striking all after the word “by” on line seventeen, as it appears in Section 1 of Act No. 1175 of 1964, and inserting “William H. Mitchell, P.E. and L.S. entitled ‘Compiled plat showing new boundary of areas known as Drayton On The Ashley Sub. to be included in the St. Andrews Public Service Dist.’ which plat is dated April 25, 1966, and recorded in the Register of Mesne Conveyances Office for Charleston County in Plat Book U, page 108.” The section when amended shall read as follows:

“Section 2. The aforementioned districts shall include and be comprised of the territory and areas in St. Andrews Parish, Charleston County, as delineated on a plat of St. Andrews Public Service District which was recorded in the office of the register of mesne conveyances for Charleston County on March 21, 1962, in Plat Book ‘N’ at page 101 and also that area lying north of the present boundary of the St. Andrews Public Service District and east of South Carolina Highway 61, as shown and delineated on a plat by William H. Mitchell, P.E. and L.S. entitled ‘Compiled plat showing new boundary of areas known as Drayton On The Ashley Sub. to be included in the St. Andrews Public Service Dist.’ which plat is dated April 25, 1966, and recorded in the Register of Mesne Conveyances Office for Charleston County in Plat Book U, page 108.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 13th day of June, 1966.

(R1377, H2672)

No. 1222

An Act To Amend Act No. 1180 Of 1964, Authorizing Issuance Of General Obligation Bonds By North Charleston Consolidated Public Service District, So As To Further Define The Covenants And Agreements Which The District May Make To Secure Payment Of The Bonds; To Provide For The Registration Of Bonds On Books Of Any Financial Institution Appointed By The Commission To Act As Registrar; And To Provide For The Pledging Of Net Revenues From Sewer Charges As Additional Security For The Bonds.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 2 of Act 1180 of 1964 amended—further powers of Commission.—Section 2 of Act No. 1180 of 1964 is amended by adding at the end thereof the following:

“The commission is further authorized to:

(a) covenant and agree that until the principal and interest of all bonds issued pursuant to this act have been paid and discharged, it will maintain a schedule of sewer service charges sufficient to provide net revenues in the amounts required to meet the payment of the principal and interest of all bonds of the district issued pursuant to this act; and to enable the district to discharge all covenants and undertakings made by it for the benefit of those who may from time to time be the holders of bonds authorized by this act;

(b) establish a cushion or reserve fund with respect to any issue of bonds authorized by this act, and to covenant and agree that it will maintain such fund at a fixed level, and that the cushion or reserve fund so established shall be applicable solely for the payment of the principal and interest of the bonds of the issue for which it was established; and

(c) appoint the Treasurer of Charleston County as its fiscal agent to receive for the commission all monies originating from the sewer service charge and to direct the treasurer with respect to the disposition of the monies in such manner as to conform to the provisions of any resolution authorizing the issuance of bonds pursuant to this act.”

SECTION 2. Section 5 of Act 1180 of 1964 amended—financial institution as registrar.—Section 5 of Act No. 1180 of 1964 is amended by inserting on line four between the words “principal” and

“on” the following: “on books of any financial institution appointed by the commission to act as registrar, or” so that, when so amended, the section shall read:

“Section 5. The bonds issued pursuant to this act shall be in the form of negotiable coupon bonds payable to bearer but may be issued with the privilege to any holder of having them registered as to principal on books of any financial institution appointed by the commission to act as registrar, or on the books of the Treasurer of Charleston County upon such conditions as the commission may prescribe. Except when so registered all bonds issued pursuant to this act shall have the attributes of negotiable instruments under the law merchant and negotiable instruments law.”

SECTION 3. Section 10 of Act 1180 of 1964 amended—bonds additionally secured.—Section 10 of Act No. 1180 of 1964 is amended by changing the semicolon on line ten to a period, inserting immediately following the period: “Such bonds shall be additionally secured by a pledge of the net revenues derived from sewer charges. Such pledge shall equally and ratably additionally secure all bonds issued pursuant to this act and, if the commission shall so determine, it may provide in any resolution authorizing the issuance of bonds pursuant to this act that a similar pledge may likewise additionally secure general obligation bonds of the district hereafter issued for sewer purposes pursuant to subsequently enacted legislation, with a pledge on a parity with the pledge additionally securing the bonds authorized by this act under such conditions and limitations as the commission shall prescribe.” and by changing “provided” on line eleven to “Provided.” When so amended, the section shall read:

“Section 10. For the payment of the principal of and interest on the bonds issued pursuant to this act as they respectively mature and for the creation of such sinking funds as may be necessary therefor, the full faith, credit and taxing power of the district shall be irrevocably pledged and there shall be levied annually by the Auditor of Charleston County and collected by the Treasurer of Charleston County in the same manner as county taxes are levied and collected, a tax without limit on all taxable property in the district, sufficient to pay the principal and interest on the bonds as they respectively mature and to create such sinking funds as may be necessary therefor. Such bonds shall be additionally secured by a pledge of the net revenues derived from sewer charges. Such pledge shall equally and ratably additionally secure all bonds issued pursuant to this act and,

if the commission shall so determine, it may provide in any resolution authorizing the issuance of bonds pursuant to this act that a similar pledge may likewise additionally secure general obligation bonds of the district hereafter issued for sewer purposes pursuant to subsequently enacted legislation, with a pledge on a parity with the pledge additionally securing the bonds authorized by this act under such conditions and limitations as the commission shall prescribe. *Provided*, that the ad valorem tax levy shall be reduced to the extent that there shall have been made available for debt service on the occasion in each year when the ad valorem tax levy is to be made, moneys derived from the sewer charges herein mentioned; and in all instances where an annual tax levy is so reduced, the moneys derived from such sewer charges shall be applied to the payment of such principal and interest and to no other purpose."

SECTION 4. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 13th day of June, 1966.

(R1384, H2684)

No. 1223

An Act To Authorize The St. Andrew's Parish Parks And Playgrounds Commission In Charleston County To Issue Not Exceeding Thirty-five Thousand Dollars Of General Obligation Bonds For General Playground Improvements And To Authorize The Commission To Issue Not Exceeding Sixty-five Thousand Dollars Of General Obligation Bonds For The Construction Of A Recreation Center If The Election Required by this Act Shall Result Favorably.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Findings of General Assembly.—The General Assembly finds that by statute heretofore enacted and now codified as Article 16, Chapter 3, Title 51 of the 1962 Code, the General Assembly did create a special purpose district in Charleston County designated as St. Andrew's Parish Parks and Playgrounds District and did commit to its governing body designated as St. Andrew's Parish Parks and Playgrounds Commission (the commission) the function of creating, developing, operating and maintaining a public

system of parks and playgrounds within the district for the use and benefit of the residents, inhabitants and institutions therein located. It further finds that the population of such area has grown to the point where further recreational facilities are needed to promote the health and welfare of those within its territorial area. It has therefore determined to empower the commission to issue not exceeding thirty-five thousand dollars of general obligation bonds of the district for general playground improvements, and in the event of a favorable vote in the election imposed by this act to issue not exceeding sixty-five thousand dollars of general obligation bonds for the construction of a recreation center.

SECTION 2. St. Andrews Parks and Playground Commission may issue bonds.—The St. Andrew's Parish Parks and Playgrounds Commission in Charleston County is authorized to issue not exceeding thirty-five thousand dollars of general obligation bonds of the district (being that area west of the Ashley River in Charleston County known as St. Andrew's Parish and lying outside the corporate limits of the City of Charleston) for the purpose of making general playground improvements in the district. The bonds shall be issued either as a single issue or from time to time as several separate issues not to exceed thirty-five thousand dollars.

SECTION 3. Maturity.—All bonds issued pursuant to this act shall mature in such annual series or installments as the commission shall provide for except that the first maturing bonds of any issue shall mature not later than two years from the dates as of which they shall be issued; and no bond shall mature later than ten years from the date as of which it shall be issued.

SECTION 4. Redemption.—Any bond issued pursuant to this act may be issued with a provision permitting its redemption prior to its stated maturity at par and accrued interest, plus such redemption premium as may be prescribed by the county board, but no bond shall be redeemable prior to its stated maturity unless it contains a statement to that effect. In the proceedings authorizing the issuance of such bonds, provision shall be made specifying the manner of call and the notice thereof that must be given as to bonds made redeemable prior to their stated maturities.

SECTION 5. Form.—The bonds issued pursuant to this act shall be in the form of negotiable coupon bonds, payable to bearer, but may be issued with the privilege to any holder of having them registered as to

principal on the books of the Treasurer of Charleston County, upon such conditions as the county board may prescribe. Except when so registered, all bonds issued pursuant to this act shall have all attributes of negotiable instruments under the law merchant and the negotiable instruments law.

SECTION 6. Denomination.—The bonds issued pursuant to this act shall be in such denominations and shall be made payable at such places, within or without the State, as the commission shall provide.

SECTION 7. Interest.—Bonds issued pursuant to this act shall bear interest at rates determined by the commission.

SECTION 8. Execution.—The bonds and the coupons to be thereunto attached shall be executed in such manner as the commission shall by resolution prescribe.

SECTION 9. Sale.—Bonds issued pursuant to this act shall be sold at a price of not less than par and accrued interest to the date of their respective maturities. They shall be sold after public advertisement of their sale in a newspaper of general circulation in South Carolina. Such published notice shall appear not less than ten days prior to the occasion set for opening bids.

SECTION 10. Payment.—For the payment of the principal and interest of all bonds issued pursuant to this act, as the same respectively mature, and for the creation of such sinking fund as may be necessary therefor, the full faith, credit and taxing power of the area shall be irrevocably pledged, and there shall be levied annually by the Auditor of Charleston County and collected by the Treasurer of Charleston County, in the same manner as county taxes are levied and collected, a tax without limit on all taxable property in the St. Andrew's Parish Parks and Playgrounds area, sufficient to pay the principal and interest of such bonds as they respectively mature and to create such sinking fund as may be necessary therefor.

SECTION 11. Exempt from taxes.—The principal and interest of bonds issued pursuant to this act shall have the tax exempt status prescribed by Section 65-4.1, Code of Laws of South Carolina, 1962.

SECTION 12. Proceeds.—The proceeds derived from the sale of any bonds issued pursuant to this act shall be paid to the Treasurer of Charleston County, to be deposited in a bond account fund, and shall be expended and made use of as follows:

(a) Any accrued interest shall be applied to the payment of the first instalment of interest to become due on such bonds.

(b) Any premium shall be applied to the payment of the first instalment of principal of such bonds.

(c) The remaining proceeds shall be expended, upon the warrant of the commission, for the following purposes:

(1) To defray the costs of issuing the bonds authorized by this act; and

(2) To pay costs of general improvements in the area.

SECTION 13. Powers—additional.—The powers and authorizations hereby conferred upon the commission shall be in addition to all other powers and authorizations previously vested in the commission and may be availed of pursuant to action taken at any regular or special meeting of the commission.

SECTION 14. No other action necessary.—No action other than that prescribed in this act need be taken to effect the issuance of the bonds herein authorized, nor shall the commission be required to obtain the approval of any public agency to any action taken pursuant to the authorizations of this act.

SECTION 15. Election—further issuance of bonds.—Upon the favorable result of the election hereinafter prescribed and in order to obtain funds to be used for the purpose of constructing a recreation center, the commission is hereby authorized to issue, either as a single issue, or from time to time as several separate issues, not exceeding sixty-five thousand dollars of general obligation bonds of the district.

SECTION 16. Election.—The commission is empowered to make provision for the holding of an election in the district at the same time as the general election for the election of members of the House of Representatives, at which time there shall be submitted to the qualified electors of the district the question of issuing general obligation bonds of the district for the purpose of constructing a recreation center. The election shall be conducted by the Commissioners of Election for Charleston County, who shall give notice thereof by publication once each week for three successive weeks prior thereto, in one or more newspapers with general circulation in the district, stating the question to be submitted at the election and specifying the amount in dollars of the bonds proposed to be issued. The election shall be conducted in the district as the same is now established by law, and at

the regular voting place therein. The question submitted shall be substantially in the following form:

"Shall the St. Andrew's Parish Parks and Playgrounds Commission issue general obligation bonds in a sum not exceeding sixty-five thousand dollars, whose proceeds shall be used for the construction of a recreation center?

YES

NO"

The ballot shall contain suitable instructions, advising the voter that if he favors the issuance of bonds he shall erase or strike through the word "NO" and that if he is opposed to the issuance of bonds, he shall erase or strike through the word "YES". The managers of election in the district shall count the ballots and forthwith return the result of the election, together with the original ballots and tally sheets, to the Commissioners of Election for Charleston County, who shall declare the result of the election. If the commissioners of election determine that a majority of the voters voting in the election voted in favor of the issuance of bonds, the bonds, or any part thereof, may be issued as provided in this act. Save and except as herein provided, the election shall be conducted in accordance with the provisions of the South Carolina Election Law.

SECTION 17. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 8th day of June, 1966.

(R1430, H2739)

No. 1224

An Act To Authorize The Township Of Folly Beach In Charleston County To Borrow Not Exceeding Twenty Five Hundred Dollars For Drainage Improvements.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Township of Folly Beach, Charleston County, may borrow money.—For the purpose of improving its drainage system, the Township of Folly Beach in Charleston County is authorized to borrow not exceeding twenty five hundred dollars from the Treasurer of Charleston County or any other lending agency under such terms and conditions as may be agreed upon by both parties. If

Charleston County has such funds available, the county treasurer is authorized to lend such monies to the Township of Folly Beach.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 8th day of June, 1966.

(R819, S541)

No. 1225

An Act To Provide For An Advisory Election For The Office Of Magistrate For Cherokee Township In Cherokee County To Fill The Unexpired Term And For The Full Term Commencing January 1, 1967.

Whereas, the Honorable Ralph Hardin has resigned as magistrate for Cherokee Township in Cherokee County; and

Whereas, his term would normally expire on January 1, 1967; and

Whereas, it is essential to the best interest of the people of Cherokee Township that the vacancy be filled without undue delay; and

Whereas, custom dictates that the qualified electors recommend a person for the office; and

Whereas, the earliest practical time for holding such an advisory election will be in April when school trustees must be elected; and

Whereas, it would not be fair to require candidates for the office to campaign twice in such a short period of time. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Advisory election concerning election of magistrate for Cherokee Township.—An advisory election shall be held for the office of magistrate for Cherokee Township in Cherokee County for the unexpired portion of the term of Ralph Hardin, resigned, and for the full term commencing January 1, 1967, to be held at the same time by the same officials and under the same conditions as the election for school trustees.

SECTION 2. Results.—The election officials shall certify the results of the election to the state senator of the county.

SECTION 3. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 2nd day of March, 1966.

(R896, S590)

No. 1226

An Act To Validate The Creation Of The Daniel Morgan Rural Community Water District Of Cherokee County And Certain Actions Pertaining Thereto; To Recreate The District; To Prescribe Its Area And Functions; To Provide For Its Governing Body And Prescribe Its Powers And Duties; And To Provide Penalties For Certain Actions.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Findings of General Assembly.—The General Assembly finds that heretofore under the provisions of Act 1022 of 1964 the Daniel Morgan Rural Community Water District of Cherokee County, with the territory described in Section 2 of this act, was duly formed in accordance with Act 1022 of 1964, including the appointment and organization of the board of directors and the execution of certain contracts.

The General Assembly further finds that the question exists as to the validity of the actions taken pursuant to Act 1022 by reason of the fact that in the election prescribed therefor the qualifications for voting vary from the qualifications prescribed for voting under the Constitution of South Carolina. Notwithstanding, it finds that a need exists for water service in the area purportedly created into the Daniel Morgan Rural Community Water District of Cherokee County and, accordingly, has determined to confirm such action and recreate the district.

SECTION 2. Daniel Morgan Rural Community Water District, Cherokee County, created.—There is hereby recreated a body corporate and politic of perpetual succession to be known as the Daniel Morgan Rural Community Water District of Cherokee County (hereinafter called the district). It shall be the purpose and function of the district to acquire, construct and operate a water works system, utilizing therefor water from available sources, by purchase or otherwise, at such convenient points as the district shall select to provide a flow of water through pipes to the areas described in Section 2 of this act, and to such other domestic, commercial or industrial users who can be conveniently and economically served within or without the service area as herein provided. To this end the district shall perform the functions prescribed by this act and shall be vested with the powers herein granted and all other powers that may be necessary or incidental in carrying out the functions herein prescribed and

exercising the powers herein granted. The water mains, distribution facilities, tanks, their several component parts, and all apparatus, equipment and property incidental thereto or used or useful in the operation thereof and all additions, improvements, extensions and enlargements to any of them shall be referred to in this act as the system.

SECTION 3. Area.—The district shall include and be comprised of the following territory:

Beginning at a point where Cherokee-Spartanburg County line intersects the North Carolina line and running East with the North Carolina-South Carolina line to a point where said line intersects the center of Suck Creek; thence southerly (upstream) with the center of Suck Creek approximately three miles to a fork in said stream and following the western branch to its head approximately 1,000 feet north of the intersection of Highway No. 11-36 and Highway No. 11-484; thence running East to intersect the center-line of Highway No. 11-36; thence running southerly 1,000 feet East of and parallel to Highway No. 11-484 to a point 1,000 feet south of Highway No. 11-37; thence running westward 1,000 feet South of and parallel to Highway No. 11-37 to a point where said road intersects the Cherokee-Spartanburg County line; thence running northwest with county line approximately 8½ miles to the state line, being the point of beginning.

SECTION 4. District to be managed by board.—The district shall be operated and managed by a board of directors known as the Daniel Morgan Rural Community Water District Board of Cherokee County which shall constitute the governing body and district. The board shall initially consist of the following named individuals, who have already received their commissions under Act 1022 of 1964, with the terms as set forth in the commission: Elliott T. Sprinkle, Chairman; A. Z. Jolly, Secretary-Treasurer; Dr. H. P. Hines; J. D. Henderson; and Mrs. Ruth Hatchett, Directors. Thereafter, their successors in office shall be appointed by the Governor, upon the recommendation of the majority of the county legislative delegation for a term of six years. Any vacancy shall be filled in like manner as the original appointment for the unexpired portion of the term. The board shall meet and organize by electing one of its members as chairman, one as vice-chairman, one as secretary and one as treasurer. The offices of the secretary and treasurer may be combined in the discretion of the board.

SECTION 5. Powers and duties.—The district, acting through its governing body, is hereby vested with all such powers as may be necessary or incidental to carry out its purposes, functions, and responsibilities including, but without limiting the following:

- (1) To have perpetual succession.
- (2) To sue and be sued.
- (3) To adopt, use and alter a corporate seal.
- (4) To define a quorum for meetings.
- (5) To maintain a principal office.
- (6) To make bylaws for the management and regulation of its affairs.
- (7) To build, construct, maintain and operate ditches, tunnels, culverts, flumes, conduits, mains, pipes, dikes, dams and reservoirs.
- (8) To build, construct, maintain and operate distribution systems for the distribution of water for domestic or industrial use.
- (9) To acquire and operate any type of machinery, appliances or appurtenances, necessary or useful in constructing, operating and maintaining its system.
- (10) To contract for or otherwise acquire a supply of water and sell water for industrial or domestic use.
- (11) To prescribe rates and regulations under which such water shall be sold for industrial and domestic use.
- (12) To enter into contracts of long duration for the sale of water with persons, private corporations, municipal corporations or public bodies or agencies.
- (13) To prescribe such regulations as it shall deem necessary to protect from pollution all water in its pipes, tanks, reservoirs, distribution systems or elsewhere within its system. *Provided*, that prior to the adoption of any regulation, the district shall hold a public meeting for the consideration thereof, and shall advertise in a newspaper of general circulation in the district the time and place of such meeting, and the general nature and scope of the regulation to be considered for adoption, and such notice shall be published on two occasions prior to such meeting, and at least ten days prior thereto.
- (14) To make contracts of all sorts and to execute all instruments necessary or convenient for the carrying on of the business of the district.
- (15) To acquire, purchase, hold, use, lease, mortgage, sell, transfer and dispose of any property, real, personal or mixed, or any interest therein.

(16) To make use of county and State highway rights-of-way in which to lay pipes and lines in such manner and under such conditions as the appropriate officials in charge of such rights-of-way shall approve.

(17) Subject always to the limitations of Section 4, Article VIII, of the Constitution of this State, to make use of all the streets and public ways of an incorporated municipality for the purpose of laying pipes and lines.

(18) To alter and change county and State highways wherever necessary to construct the system under such conditions as the appropriate officials in charge of such highway shall approve.

(19) To exercise the power of eminent domain for any corporate function. The power of eminent domain may be exercised through any procedure prescribed by Sections 25-101 through 25-140 and 33-121 through 33-148, of the 1962 Code, as now or hereafter constituted, it being the intent of this provision that further amendments and modifications of these code provisions shall be deemed to amend and revise correspondingly the powers granted by this paragraph. The provisions of this item shall not apply to public utilities and railroads which have the power of eminent domain.

(20) To appoint officers, agents, employees and servants, to prescribe the duties of such, to fix their compensation and to determine if and to what extent they shall be bonded for the faithful performance of their duties.

(21) To make contracts for construction and other services; *provided*, that construction contracts shall be let on competitive bidding and shall be awarded to the lowest responsible bidder.

(22) To borrow money and to make and issue negotiable bonds, notes and other evidences of indebtedness, payable from all or any part of the revenues derived from the operation of its system. The sums borrowed may be those needed to pay all costs incident to the construction and establishment of the system, and any extensions, additions and improvements thereto, including engineering costs, legal costs, construction costs; the sum needed to pay interest during the period prior to which the system or any extension, addition or improvement thereof, shall be fully in operation; such sum as is needed to supply working capital to place the system in operation; and all other expenses of any sort that the district may incur in establishing, extending or enlarging the system. Neither the full faith and credit of the State of South Carolina, nor the county, shall be pledged for the payment of the principal and interest of the obligations.

Neither the members of the board, nor any person signing the obligations, shall be personally liable thereon. To the end that a convenient procedure for borrowing money may be prescribed, the district shall be fully empowered to avail itself of all powers granted by Sections 59-361 through 59-415 and 59-651 through 59-682, of the 1962 Code, as now or hereafter constituted, it being the intent of this provision that further amendments and modifications of the code provisions shall be deemed to amend and revise correspondingly the powers granted by this paragraph. In exercising the power conferred upon the district by such code provisions, the district may make or omit all pledges and covenants authorized by any provision thereof, and may confer upon the holders of its securities all rights and liens authorized by law. Notwithstanding contrary provisions in the code, the district may:

(a) Disregard any provision requiring that bonds have serial maturities, and issue bonds in such form and with such maturities as the district shall determine;

(b) Provide that its bonds, notes or other evidence of indebtedness be payable, both as to principal and interest, from the net revenues derived from the operation of its system, as such net revenues may be defined by the district;

(c) Covenant and agree that upon it being adjudged in default as to the payment of any installment of principal or interest upon any obligation issued by it, or in default as to the performance of any covenant or undertaking made by it, in such event the principal of all obligations of such issue may be declared forthwith due and payable, notwithstanding that any of them may not have then matured;

(d) Confer upon a corporation trustee the power to make disposition of the proceeds from all borrowings and of all revenues derived from the operation of the system, in accordance with the resolution adopted by the authority as an incident to the issuance of any notes, bonds or other types of securities;

(e) Dispose of bonds, notes or other evidence of indebtedness at public or private sale, and upon such terms and conditions as it shall approve;

(f) Make provision for the redemption of any obligations issued by it prior to their stated maturity, with or without premium, and on such terms and conditions as the district shall approve;

(g) Covenant and agree that any cushion fund established to further secure the payment of the principal and interest of any obligation shall be in a fixed amount;

(h) Covenant and agree that no free service will be furnished to any person, municipal corporation or any subdivision or division of the State;

(i) Prescribe the procedure, if any, by which the terms of the contract with the holders of its obligations may be amended, the number of obligations whose holders must consent thereto, and the manner in which such consent shall be given;

(j) Prescribe the events of default and the terms and conditions upon which all or any obligations shall become or may be declared due before maturity and the terms and conditions upon which such declarations and their consequences may be waived.

(23) To extend its system within the county, beyond the defined limits of the district to provide services to those living outside the district and outside any incorporated municipality when, in the discretion of the board, it is feasible and practicable so to do, in which case any person or agency receiving such service shall be subject to the same rules, regulations and requirements concerning services being received from the district as persons residing within the district. The board may, in its discretion, establish rates and charges higher than those within the district for the extension of its system and the provision of services beyond the limits of the district.

SECTION 6. Rates.—The rates charged for services furnished by the system, as constructed, improved, enlarged and extended, shall not be subject to supervision or regulation by any State bureau, board, commission, or like instrumentality or agency thereof.

SECTION 7. Exempt from taxes.—(1) Bonds, notes or other evidence of indebtedness issued pursuant to Section 4 (22) of this act and interest payable thereon are hereby exempted from any and all State, county, municipal and other taxation whatsoever under the laws of this State, and it shall be plainly stated on the face of each such obligation as follows: "The principal of and interest on this (bond, note, or other evidence of indebtedness) are exempted from any and all State, county, and municipal and other taxation whatsoever under the laws of this State."

(2) All property of the district shall be exempt from all ad valorem taxes levied by the State, county or any municipality, division, subdivision, or agency thereof, direct or indirect.

SECTION 8. Fiscal year—audit—annual report.—The district shall conduct its affairs on the fiscal year basis employed by the State.

As shortly after the close of its fiscal year as may be practicable, an audit of its affairs shall be made by certified public accountants of good standing, to be designated by the district. Copies of such audits incorporated into an annual report of the district shall be filed with the auditor and treasurer of the county, and with the secretary to the legislative delegation of the county.

SECTION 9. Unlawful acts—penalties.—It shall be unlawful for any person to wilfully injure or destroy, or in any manner hurt, damage, tamper with, or impair the system of the district, or any part thereof, or any machinery, apparatus or equipment of the district, or to pollute the water in any part of its system, or to obtain water therefrom except in accordance with the regulations promulgated by the district. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not less than ten dollars nor more than one hundred dollars, or be imprisoned for not more than thirty days, in the discretion of the court, and shall be further liable to pay all damages suffered by the district.

SECTION 10. Public bodies may purchase water from district.—The municipalities of the county and all public bodies and public agencies now or hereafter operating water distribution systems in the county shall be fully empowered to enter into contracts to buy water from the district. These contracts shall extend over such period of time and shall contain such terms and conditions as shall be mutually agreeable to the district and to the contracting municipality, public body or public agency.

SECTION 11. Not to affect existing districts.—All rights, powers and duties of any district now existing in the county are hereby expressly reserved.

SECTION 12. Contracts validated.—All actions and contracts entered into by the Daniel Morgan Rural Community Water District Board of Cherokee County after the issuance of commissions by the Secretary of State, are hereby and herewith validated, so long as such actions and contracts were performed pursuant to the powers vested by Act 1022 of 1964.

SECTION 13. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 24th day of March, 1966.

(R1439, H2721)

No. 1227

An Act To Provide For The Levying Of Taxes For School And County Purposes For The Year 1966; To Direct The Expenditure Thereof; To Otherwise Provide For The Administration Of The Business Of Cherokee County; And To Authorize The County Board Of Commissioners To Issue Not Exceeding Five Hundred Eighty Thousand Dollars Of General Obligation Bonds; To Prescribe The Conditions Under Which The Bonds May Be Issued And The Purposes For Which Their Proceeds May Be Expended; And To Make Provision For The Payment Of The Bonds; And To Provide Matching Funds For The Restoration Of The Original Home Of Michael Gaffney.

Be it enacted by the General Assembly of the State of South Carolina:

PART I

SECTION 1. A tax of sixteen mills is hereby levied upon all the taxable property in Cherokee County for county purposes for the fiscal year beginning January 1, 1966, and the amounts and purposes hereinafter stated:

Item 1. Roads, Bridges and Chain Gang:

(a) Food for prisoners	\$ 17,500.00
(b) Supplies, equipment, maintenance and repairs..	75,000.00
(c) Equipment	30,000.00
(d) Salaries for personnel to be employed by the Supervisor:	
Captain of the Guards	4,800.00
Mechanic	5,100.00
14 Guards, Foreman and machine operators @ \$350.00 per month each	58,800.00
Supply Clerk @ \$350.00 per month	4,200.00
Total, Item 1	<u>\$195,400.00</u>

Item 2. Law Enforcement Officers:

Salaries:

(a) Sheriff	\$ 7,000.00
(aa) Official expense	1,200.00
(b) Deputy Sheriffs, 9 @ \$400.00 per month	43,200.00
<i>Provided, that each Deputy Sheriff shall be allowed one day in six off duty. This shall not be</i>	

- cumulative and may not be allowed if in the judgment of the Sheriff the law enforcement needs of the department require otherwise.
- (c) Jailer @ \$325.00 per month 3,900.00
- (d) Jail expenses, including dieting of prisoners at \$1.35 per full day, or 45¢ per meal each 9,000.00
Provided, that in support of all payments made from the above appropriation for dieting, the sheriff shall file with the county board of commissioners a statement showing (a) the name of the prisoner, (b) the arresting officer, (c) the hour of admittance and discharge, and (d) the meals served to each prisoner for which payment is claimed.
- (e) Operation of Cars 6,000.00
Provided, all purchases of supplies are to be from the lowest bidder.
- (f) Radio maintenance and repairs 200.00
- (g) Uniforms for deputies and one constable not to exceed \$150.00 each 1,500.00
- (h) Magistrates:
 Number 1: Magistrate with jurisdiction in Cherokee Township 3,800.00
 Number 2: Magistrate with jurisdiction in Draytonville, Limestone, Gowdeysville, Morgan and White Plains Townships 4,600.00
 Number 3: Magistrate with countywide jurisdiction 5,250.00
- (i) County Constable 4,800.00
Provided, this job shall be filled by the disabled Deputy Sheriff of Cherokee County. *Provided*, further, the duties heretofore rendered by the office of the Sheriff of Cherokee County in serving legal process and other civil papers shall devolve upon this employee and he is officially designated as the process server for Cherokee County in civil matters, including courts of magistrate. He shall collect the same fees as are now collected by the office of Sheriff and these fees, along with an itemized report of all papers

served, shall be remitted to the Treasurer of Cherokee County each month and a copy of the report shall be filed in the office of the Clerk of Court for Cherokee County. The constable shall be paid travel expense at the prevailing rate of mileage allowed by the State for each mile of necessary travel in serving papers. *Provided*, further, that should the constable be unable to serve all papers expeditiously, the Sheriff of Cherokee County shall render such aid as the constable may require.

Total, Item 2 \$ 90,450.00

Item 3. Other County Officers:

(a) Auditor	\$ 2,500.00
(b) Clerical help for Auditor	3,500.00
(c) Additional help for Auditor	1,750.00
(d) Treasurer	2,500.00
(e) Assistant Treasurer	3,500.00
(f) Additional help to Treasurer	1,750.00
(g) Superintendent of Education	1,278.00
(h) Clerical help to Superintendent of Education ..	3,500.00
(i) Attendance Teacher, to buy clothes for needy children	3,000.00

Provided, that the salary of the Auditor, Treasurer and Superintendent of Education shall be \$7,000.00 and if the State fails to pay an amount sufficient to bring the respective salaries to that amount then such amount is hereby appropriated as to bringing their respective salaries up to seven thousand dollars and no more.

(j) Supervisor	7,000.00
(jj) Official expense	1,200.00
(k) County Commissioners, eight @ \$900.00 annually each	7,200.00
(l) Clerk, County Board of Commissioners	4,800.00
(m) Superintendent Courthouse @ \$235.00 per month	2,820.00
(n) Superintendent Agricultural Building @ \$235.00 per month	2,820.00

Provided, that the County Board of Commissioners shall, upon request of the Superintendent of the County Courthouse, or the Superintendent of the Agricultural Building, furnish them with sufficient convict labor about the premises.

(o) Clerk of Court	7,000.00
(p) Deputy Clerk of Court	3,500.00
(q) Clerical help for Clerk of Court	3,500.00
(r) Probate Judge	7,000.00
(s) Clerical help for Probate Judge	3,500.00
(t) Additional help for Probate Judge	3,500.00
(u) Food Stamp Program:	
Clerk	3,500.00
Salary Supplement, Assistant Treasurer	1,200.00
Salary, Supplement, Treasurer	1,100.00

Provided, these appropriations are used solely for administration of the food stamp program in Cherokee County and should the program be discontinued these funds shall not be expended for any other purpose.

(v) County Attorney	1,200.00
(w) County audit	1,500.00
(x) Coroner	1,400.00
(y) Stenographer for Coroner	300.00
(z) Delinquent Tax Collector	2,400.00
(aa) Clerk for Delinquent Tax Collector	3,500.00
(bb) Board of Assessors and Equalization	3,000.00
(cc) Jurors and witnesses	15,000.00

Total, Item 3\$111,218.00

Item 4. County Health Department:

(a) Salaries, travel & clinic fees	\$ 6,600.00
(b) Medical drugs	800.00
(c) T. B. Nurse	1,800.00
(d) Office supplies and contingencies	1,200.00
(e) Building and maintenance	3,000.00
(f) Three truck drivers @ \$350.00 per month each	12,600.00
(g) Truck maintenance	2,050.00

Provided, that the garbage disposal area shall be under the supervision of the County Health

Officer and the cost of maintaining such area shall be borne equally by the City of Gaffney and County. *Provided*, further, that the whole budget of the Department shall be subject to the approval of a majority of the county legislative delegation.

Total, Item 4		\$ 28,050.00
Item 5. Public Buildings:		
(a) Water and lights	\$	2,150.00
(b) Telephone and telegraph		4,000.00
(c) Fuel		1,500.00
(d) Superintendent's supplies		1,825.00
(e) Printing, postage, stationery and office equipment		19,500.00
(f) Insurance and premiums on bonds of county officers		3,500.00
Total, Item 5		\$ 32,475.00
Item 6. Hospital, Public Welfare, Charities, Contributions and Miscellaneous:		
(a) Hospital administration, nurses training and operating expenses	\$	48,000.00
<i>Provided</i> , that the expenditures from this appropriation shall not exceed \$4,000.00 per month.		
(b) Lunacies and post mortems		900.00
(c) Vital Statistics		410.00
(d) State or National Guard Service Company A ..		1,000.00
<i>Provided</i> , that these funds shall be used for Armory or training purposes only.		
(e) State or National Guard Service Company C ..		1,000.00
<i>Provided</i> , that these funds shall be used for Armory or training purposes only.		
(f) Department of Public Welfare		2,500.00
(g) Civil Air Patrol		500.00
(h) Cherokee County Rescue Squad		200.00
<i>Provided</i> , that these funds shall be used for training purposes or purchase of rescue equipment.		
(i) To provide textbooks free for the school children of Cherokee County		35,000.00

(j) Civil Defense	1,000.00
<i>Provided</i> , this fund may be expended for actual expenses incurred in studying, developing and promulgating a plan of civil defense for the citizens of Cherokee County.	
Total, Item 6	\$ 90,510.00
Item 7. (a) Library	\$ 14,418.50
(b) Board of Education for school lunch	10,000.00
(c) Contingent Fund, Board of Education	8,000.00
(e) Supplemental lunchroom appropriation	1,000.00
For payment of mileage, training and salary supplement to secretary of supervisor sufficient for annual salary of \$3,500.00.	
Total, Item 7	\$ 33,418.50
Item 8. (a) County's share of Retirement Fund for county employees	\$ 4,913.51
(b) Social Security	7,376.41
(c) Peace Officer Retirement	11,398.08
Total, Item 8	\$ 23,688.00
Item 9. Farm Demonstration:	
(a) Associate Farm Demonstration Agent, Salary ..	\$ 600.00
(b) Stenographer, County Extension Office	600.00
(c) 4-H Club Boys	200.00
(d) 4-H Club Girls	200.00
(e) Demonstration Supplies for Home Demonstration Agent	150.00
(f) Negro Home Demonstration Agent, Salary and Travel	740.00
(h) Clerical help for Assistant Agents	600.00
(i) Contingents County Agent and Home Agent ..	75.00
Total, Item 9	\$ 3,165.00
Item 10. (a) Contingent Fund	\$ 50,000.00
Total, Item 10	\$ 50,000.00

Item 11. Mental Health:

For joint participation with Spartanburg and Union Counties in program of mental health, share of Cherokee County in local matching budget (15.9%) July 1, 1966-June 30, 1967 paid only upon approval of a majority of the Cherokee County Delegation\$ 4,900.92

Total, Item 11\$ 4,900.92

Item 12. Thicketty Creek Watershed Conservation District\$ 500.00

The sum hereby appropriated shall be used for mileage, per diem and other expenses as authorized by law.

Total, Item 12\$ 500.00

Item 13. Cherokee County Recreation Commission\$ 500.00

The sum hereby appropriated shall be used for mileage, per diem and other expenses as authorized by law.

Total, Item 13\$ 500.00

Item 14. Cherokee County Higher Education Commission\$ 500.00

Provided, these funds shall be used to reimburse the members of the commission for actual expenses incurred.

Total, Item 14\$ 500.00

GRAND TOTAL\$664,775.42

Less: Unexpended Balances, 1965:

Attendance Teacher\$.12

Law Enforcement Officers 379.10

Public Buildings 318.78

Hospital, Public Welfare, Charities, Contributions and Miscellaneous 1,700.92

County Health Department 3,325.60

County Retirement & Social Security 599.80

Mental Health Fund 209.98

Contingent Fund	1,360.76
Thicketty Creek Conservation District	500.00

Grand Total, Balances\$ 8,395.06

\$656,380.36

Less: Estimated Revenues other than Taxes:

Fines and Costs—Magistrates	\$ 80,012.64
Fines and Costs—Clerk of Court	16,570.10
Civil Costs—Sheriff—Magistrates and Constables	2,340.30
State Income Tax	69,934.55
Gasoline Taxes	143,500.58
Insurance License Fees from State	23,922.59
Bank Tax from State	4,312.57
Interest	12,647.99
Rent Office Space	2,990.00
Miscellaneous	1,374.21
Liquor—Beer and Wine Tax	51,706.16
Fees, Costs and Commissions—County Officers	30,719.07

Total, Revenue other than taxes\$ 440,030.76

Total, Estimated Amount to be raised by
taxation\$216,349.60

Provided, that no fund herein appropriated for
any one purpose shall be used for any other
purpose without the written consent of a ma-
jority of the legislative delegation.

SECTION 2. The county treasurer is hereby authorized and directed to pay upon warrants issued by the county board of commissioners the sum of ten thousand dollars from the county's share of the one cent gasoline tax for the purpose of surface-treating roads or streets in and around the towns and populous section of Cherokee County; *provided*, that the grading and preparing of such roads and streets or surface treating shall be done by the city or county road forces under the supervision of a competent engineer and the work shall be done in accordance with the State Highway Department's specifications, and no surface treating shall be done without approval of the engineer; *provided*, further, that the roads and streets to be improved under the terms of this section shall be agreed to, in writing, by a majority of the county delegation.

SECTION 3. The court crier, jury boy and bailiffs in the Circuit Court of Cherokee County shall be paid a per diem of seven dollars and fifty cents for the actual number of days served, and the jurors and the members of the board of assessors and the board of equalization shall be paid a per diem of ten dollars for the actual number of days served. The coroner's jurors (6) shall be paid four dollars per inquest.

SECTION 4. The working of the chain gang shall be under the management of the supervisor. The supervisor shall have the exclusive right to employ and discharge all personnel working under his authority including, but not limited to, the captain of the guards, mechanics, guards, foremen and machine operators.

SECTION 5. The clerk of the county board of commissioners shall have authority to make purchases of necessary supplies, not to exceed fifty dollars, without first receiving approval of the county board of commissioners. However, any purchases exceeding fifty dollars must first be approved by the county board of commissioners, and, before being paid, all claims shall be approved by the county board of commissioners.

SECTION 6. The amount herein appropriated shall be paid out as near as practicable one-twelfth each month during the year 1966 and, if any item or salary has been overpaid for any month, such overpayment shall be deducted from the following month. Any note or contract made by any officer of the county or by the board of county commissioners for any amount not included in this appropriation act shall be null and void; any officer or employee who disregards any of the provisions hereof without the written consent of a majority of the Cherokee Delegation to the General Assembly, kept on file in the treasurer's office, shall be guilty of a malfeasance in office and subject to removal. If the county supervisor or the board of commissioners at any time finds that the appropriation or monthly allotment is not sufficient to maintain the maximum chain gang and equipment or road maintenance, then, in that event, they are required to send to the State Penitentiary a sufficient number of long term chain gang prisoners and reduce equipment and other expenses so that expense will come within the monthly allotment herein provided. All appropriations herein made are subject to the right and authority of the majority of the Cherokee County Delegation to change, alter or deduct therefrom at any time, without notice, when in its judg-

ment such change, alteration or deduction is necessary for the best interest of the county or to conform with the revenue expected during the life of this act. *Provided*, that the changes made by the delegation pursuant to the authority herein conferred shall not operate to increase the total amount herein appropriated.

SECTION 7. The supervisor and the chain gang and employees of Cherokee County are hereby prohibited from doing any private work and spending any money of the county on any private roads or private property.

SECTION 8. The clerk of the county board of commissioners shall, during each month, send to each member of the Cherokee County Delegation an itemized list of all expenditures of the county for the preceding month, and also an itemized list of all obligations incurred and not paid.

SECTION 9. Immediately following each meeting of the county board of commissioners, the clerk of the board shall send each member of the Cherokee County Legislative Delegation a certified copy of the minutes of such meeting.

SECTION 10. The county attorney shall give legal advice to all county officers, including the grand jury, on any subject affecting the official matters of Cherokee County, and the amount herein appropriated shall be in full for all services of the county attorney, except litigated cases brought or defended with the approval of the legislative delegation.

SECTION 11. Whenever references are made in this act to any action of or by the legislative delegation or county delegation, the same means the joint approval, agreement, or order of the resident Senator of Cherokee County and at least one-half of the Representatives of Cherokee County in the General Assembly. In the event, however, of the death, resignation or removal of any one or more of the members of the delegation, the remaining members shall have the right to execute any such approval, agreement or order.

SECTION 12. Notwithstanding the provisions of local acts affecting the County of Cherokee and contemplating possible action by the Cherokee County Legislative Delegation or a majority thereof, whether or not such acts include the phrase "including the Senator" or substantially similar language, such action shall be effective when

done by a majority of the Cherokee County Legislative Delegation as defined by Section 11 of this act.

SECTION 13. The supervisor shall employ a supply clerk. His duties shall consist of checking in and out materials and supplies purchased by the county for chain gang and road building purposes which shall be subject to his inspection at all times, and keeping proper records of such transactions. The supply clerk shall be furnished, by the county board of commissioners, with an office and a building for storage of all such materials and supplies. No warrant for the payment of any such materials and supplies shall be issued until the supply clerk shall certify, in writing, to the receipt of same, and he shall keep proper records to show to which agency of the county such materials and supplies were issued or delivered.

SECTION 14. No long distance telephone calls shall be charged to the county except such as are necessary in performing a public duty in connection with the administration of the affairs of the county, and no claim for any such calls shall be approved or paid unless on a verified itemized claim showing the name of the person making the call, the person to whom the call was made and the date and purpose thereof.

SECTION 15. The Attendance Teacher and the School Lunch Supervisor shall each receive a salary supplement, during the school months, sufficient to make their salaries equal to the salaries they would receive as school teachers with their qualifications. *Provided*, the supplement shall not be less than one thousand dollars per year. The salary of the Clerk to the School Lunch Supervisor and the Secretary of the County Probation and Parole Officer shall be three thousand five hundred dollars each annually. Travel shall be paid at the prevailing rate of mileage allowed by the State. A report of the number of miles traveled on official business shall be submitted monthly to the county board of education for approval, and a warrant of the board shall be issued in payment thereof.

SECTION 16. There may be expended for county purposes during the months of January, February and March of 1967, the amounts authorized herein to be expended for the same months during the year 1966. All such expenditures shall be made from the general fund of the county. This provision is included in this act so that the activities of the county may continue uninterrupted until the appropriation act for the calendar year 1967 is adopted.

SECTION 17. The County Board of Commissioners of Cherokee County may rent office space in the Cherokee County Courthouse and the Cherokee County Agricultural Building for use by persons or organizations in the performance of State or Federal functions. No office space in such building shall be occupied by any person or organization not using such office space in the performance of State, county or Federal functions. Any person or organization using such office space in performance of a function of the Federal Government shall be charged a reasonable rental, based upon the space occupied and the services provided, as determined by the county board of commissioners.

SECTION 18. The members of the Cherokee County Board of Education, except the ex officio member, and the members of the Board of Trustees of Cherokee County School District No. 1, shall receive per diem of twenty dollars and mileage at the prevailing rate allowed by the State for attendance upon meetings of their respective boards, but the payment of such per diem and mileage shall be limited to not more than two meetings during each month. The per diem and mileage of the members of the board of education provided for in this section shall be paid from the contingent fund of the county board of education and the per diem and mileage of the members of the board of trustees provided for herein shall be paid from the general school funds.

SECTION 19. All persons receiving expense accounts must submit to the clerk of the county board of commissioners an itemized statement of monthly expenses before being compensated for such expenses.

PART II

Permanent Provisions

It is hereby declared to be the intent of the General Assembly that the following section shall constitute a part of the permanent laws of the State of South Carolina, and the Code Commissioner is hereby directed to include same in the next edition of the Code of Laws of South Carolina and all supplements to the Code.

SECTION 20. (A) The General Assembly finds that by Act No. 544 of 1965 the County Board of Commissioners of Cherokee County was authorized to study and survey the conditions of the county jail, the agricultural building and the county courthouse and the necessity

for constructing a new building and to report its findings and recommendations to the members of the legislative delegation. The General Assembly further finds that the Board employed an architect to assist in its study as authorized by such act and has made the recommendation that the agricultural building be razed, that the courthouse be renovated and additions made thereto and the construction of a new jail. The General Assembly further finds that there is a definite need for all of the facilities recommended and the amount needed for the purposes of carrying out the recommendations will approximate five hundred eighty thousand dollars.

(B) The County Board of Commissioners of Cherokee County is authorized to issue not exceeding five hundred eighty thousand dollars of general obligation bonds of the county for the purposes of renovating existing courthouse facilities, make additions to the courthouse and to construct a new county jail. The bonds shall be issued either as a single issue or from time to time as several separate issues not to exceed five hundred eighty thousand dollars.

(C) All bonds issued pursuant to this act shall mature in such annual series or installments as the county board shall provide for except that the first maturing bonds of any issue shall mature not later than two years from the dates as of which they shall be issued; and no bond shall mature later than twenty years from the date as of which it shall be issued.

(D) Any bond issued pursuant to this act may be issued with a provision permitting its redemption prior to its stated maturity at par and accrued interest, plus such redemption premium as may be prescribed by the county board, but no bond shall be redeemable prior to its stated maturity unless it contains a statement to that effect. In the proceedings authorizing the issuance of such bonds, provision shall be made specifying the manner of call and the notice thereof that must be given as to bonds made redeemable prior to their stated maturities.

(E) The bonds issued pursuant to this act shall be in the form of negotiable coupon bonds, payable to bearer, but may be issued with the privilege to any holder of having them registered as to principal on the books of the Treasurer of Cherokee County, upon such conditions as the county board may prescribe. Except when so registered, all bonds issued pursuant to this act shall have all attributes of negotiable instruments under the law merchant and the negotiable instruments law.

(F) The bonds issued pursuant to this act shall be in such denominations and shall be made payable at such places, within or without the State, as the county board shall provide.

(G) Bonds issued pursuant to this act shall bear interest at rates determined by the county board.

(H) The bonds and the coupons to be thereunto attached shall be executed in such manner as the county board shall by resolution prescribe.

(I) Bonds issued pursuant to this act shall be sold at a price of not less than par and accrued interest to the date of their respective maturities. They shall be sold after public advertisement of their sale in a newspaper of general circulation in South Carolina. Such published notice shall appear not less than ten days prior to the occasion set for opening bids.

(J) For the payment of the principal and interest of all bonds issued pursuant to this act, as the same respectively mature, and for the creation of such sinking fund as may be necessary therefor, the full faith, credit and taxing power of Cherokee County shall be irrevocably pledged, and there shall be levied annually by the Auditor of Cherokee County and collected by the Treasurer of Cherokee County, in the same manner as county taxes are levied and collected, a tax without limit on all taxable property in Cherokee County, sufficient to pay the principal and interest of such bonds as they respectively mature and to create such sinking fund as may be necessary therefor.

(K) The principal and interest of bonds issued pursuant to this act shall have the tax exempt status prescribed by Section 65-4.1, Code of Laws of South Carolina, 1962.

(L) The proceeds derived from the sale of any bonds issued pursuant to this act shall be paid to the Treasurer of Cherokee County, to be deposited in a bond account fund, and shall be expended and made use of as follows:

(a) Any accrued interest shall be applied to the payment of the first installment of interest to become due on such bonds.

(b) Any premium shall be applied to the payment of the first installment of principal of such bonds.

(c) The remaining proceeds shall be expended, upon the warrant of the county board, for the following purposes:

(1) To defray the costs of issuing the bonds authorized by this act;

(2) Repayment to the county general surplus of amounts advanced therefrom for the purposes enumerated in subsection (B) of this section; and

(3) To pay costs incurred in constructing and equipping a new courthouse for Cherokee County.

(M) The powers and authorizations hereby conferred upon the county board shall be in addition to all other powers and authorizations previously vested in the county board and may be availed of pursuant to action taken at any regular or special meeting of the county board.

(N) No action other than that prescribed in this act need be taken to effect the issuance of the bonds herein authorized, nor shall the county board be required to obtain the approval of any public agency to any action taken pursuant to the authorizations of this act.

(O) The county treasurer is authorized to advance available funds from the general surplus funds of the county, not to exceed the amount of the bond issue authorized herein. The amount so advanced shall be repaid from the proceeds of such bond issue.

(P) The board of commissioners and the city council of Gaffney are authorized to enter into an agreement for the joint use of the new jail facilities under such terms as they may mutually agree upon.

SECTION 21. (A) In the event that the original home of Michael Gaffney, for whom the City of Gaffney is named, is to be restored and preserved as an historic shrine, Cherokee County shall match any funds, not to exceed three thousand dollars, contributed for this project by the City of Gaffney.

(B) The purpose of the appropriation is to aid in the preservation and restoration of this old land mark in such a way that it will be an attractive asset to the community.

(C) Plans and specifications for any such preservation and restoration approved by the City of Gaffney shall accompany the request for funds authorized by this section and such plans shall be filed in the office of the county board of commissioners.

SECTION 22. This act shall take effect upon approval by the Governor.

Approved the 13th day of June, 1966.

(R812, H2077)

No. 1228

An Act To Amend Act No. 1188 Of 1964, Relating To Refunding Of Outstanding Revenue Bonds Of Chester County Natural Gas Authority, So As To Provide For A Reserve For The Payment Of The Debt Service Of Bonds Issued Pursuant To The Act.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 2 of Act 1188 of 1964 amended—refunding bonds may be issued.—Section 2 of Act No. 1188 of 1964 is amended to read as follows:

“Section 2. The General Assembly hereby approves and authorizes the Authority to issue from time to time, pursuant to Sections 59-651 to 59-682, inclusive, of the 1962 Code, such amount of refunding bonds as it may from time to time hereafter deem necessary in order to exchange such refunding bonds for those of the Authority now outstanding and to raise moneys for improvements and extensions to the system of the Authority and to provide a reasonable reserve for debt service on any bonds issued pursuant to these authorizations. Such bonds may be disposed of by the Authority on such terms as the Authority shall approve and at a discount, if the Authority shall find such a method to be to its advantage. The Authority shall be further expressly empowered to employ such persons or firms of investment bankers as it may deem desirable in effecting the exchange of its outstanding bonds, and to use the proceeds of any bonds that might be sold to pay for the services of such individuals or investment bankers. The Authority is further authorized to issue funding bonds or certificates of indebtedness to such extent as it may deem necessary to fund all arrears of interest. Such funding bonds or certificates of indebtedness shall have such claim to the revenues of the system as the Authority shall provide.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 25th day of February, 1966.

(R816, H2083)

No. 1229

An Act To Extend The Season For Hunting Quail In Chester, Lancaster And York Counties And The Season For Hunting Rabbits In Chester And Lancaster Counties To March First For The Year 1966 Only.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Hunting season extended in Chester, Lancaster and York Counties.—Notwithstanding any other provisions of law, the season for hunting quail in Chester, Lancaster and York Counties is extended to March first for the year 1966 only and the season for hunting rabbits in Chester and Lancaster Counties is extended to March first for the year 1966 only.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 25th day of February, 1966.

(R1026, H2406)

No. 1230

A Joint Resolution Proposing An Amendment To Section 5 Of Article X Of The Constitution Of South Carolina, 1895, Relating To The Limit Of Bonded Indebtedness Of Certain Political Subdivisions, So As To Permit The School District Of Chester County To Incur Bonded Indebtedness Up To Twenty Per Cent Of The Assessed Value Of The Taxable Property Therein, And To Exclude Such Indebtedness From The Limitation Of Aggregate Indebtedness Upon Any Municipality Or Political Subdivision Of The County Or State Covering Or Partially Extending Over The Territory Of The District.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Amendment to Article X, Section 5, State Constitution, proposed—bonded indebtedness, Chester County.—There is proposed the following amendment to Section 5 of Article X of the Constitution of this State: add at the end of the section the following proviso: "*Provided*, that the limitations as to bonded indebtedness imposed by this section shall not apply to the bonded indebtedness of the School District of Chester County and the

school district may incur bonded debt to the extent of not exceeding twenty per cent of the assessed value of all taxable property therein. The bonded indebtedness of the district shall not be considered in determining the power to incur bonded indebtedness by any municipality or political subdivision of the county or State covering or partially extending over the territory of such district."

SECTION 2. Submission to electors.—The proposed amendment shall be submitted to the qualified electors at the next general election for representatives. Ballots shall be provided at the various voting precincts with the following words printed or written thereon: "Shall Section 5 of Article X of the Constitution of this State be amended so as to permit the School District of Chester County to increase its bonded indebtedness up to twenty per cent of the assessed value of the taxable property therein, and to exclude such indebtedness from the limitation of aggregate indebtedness upon any municipality or political subdivision of the county or State covering or partially extending over the territory of the district?"

In favor of the amendment ☐

Opposed to the amendment ☐

Those voting in favor of the amendment shall deposit a ballot with a check or cross mark in the square after the words 'In favor of the amendment', and those voting against the amendment shall deposit a ballot with a check or cross mark in the square after the words 'Opposed to the amendment'."

Ratified the 21st day of April, 1966.

(R1045, H2468)

No. 1231

An Act To Empower The County Board Of Commissioners Of Chester County To Issue Not Exceeding Four Hundred Thousand Dollars Of General Obligation Bonds Of Chester County To Provide A Nursing Or Convalescing Home For Chester County; To Prescribe The Terms And Conditions Under Which The Bonds May Be Issued And The Manner In Which Their Proceeds May Be Expended; And To Make Provision For The Payment Thereof.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Findings of General Assembly.—As an incident to the enactment of this act, the General Assembly finds that in addition

to the public hospital facilities now maintained in Chester County, there is a need for a nursing or convalescing home to be operated in conjunction therewith. The hospital facilities are operated by the Chester County Hospital Board (hospital board), created by Act No. 365 of 1947, as amended. A survey of the costs of a suitable nursing or convalescing home indicates that an expenditure of not exceeding four hundred thousand dollars is required. On that basis the General Assembly has determined to empower the County Board of Commissioners of Chester County (county board) to issue not exceeding four hundred thousand dollars of general obligation bonds of Chester County.

SECTION 2. Bonds may be issued.—In order to provide funds for the construction of the nursing or convalescing home for Chester County herein authorized, which shall be constructed and maintained by the hospital board created by the Act of 1947, the county board is hereby authorized and empowered to issue general obligation bonds of Chester County to the extent of not exceeding four hundred thousand dollars.

SECTION 3. Issue.—Bonds issued pursuant to this act may be issued as a single issue or from time to time as several separate issues.

SECTION 4. Maturity.—Bonds issued pursuant to this act shall mature in such annual series or installments as the county board shall provide, except that the first maturing bonds shall mature not later than three years from the date of issue; not less than three per cent of the bonds shall mature in each year; and no bond shall mature later than twenty-five years from the date of issue.

SECTION 5. Redemption.—Any bond issued pursuant to this act may be issued with a provision permitting its redemption prior to its stated maturity, at par and accrued interest, plus such redemption premium as may be prescribed by the county board, but no bond shall be redeemable prior to its stated maturity unless it contains a statement to that effect. In the proceedings authorizing the issuance of such bonds, provisions shall be made specifying the manner of call and the notice thereof that must be given as to bonds made redeemable prior to their stated maturities.

SECTION 6. Form.—Bonds issued pursuant to this act shall be in the form of negotiable coupon bonds, payable to bearer, but may be issued with the privilege to any holder of having them registered as to

principal on the books of the Treasurer of Chester County, upon such conditions as the county board may prescribe. Except when so registered, all bonds issued pursuant to this act shall have all attributes of negotiable instruments under the law merchant and the negotiable instrument law.

SECTION 7. Where payable.—Bonds issued pursuant to this act shall be made payable at such place, within or without the State, as the county board shall provide.

SECTION 8. Interest.—Bonds issued pursuant to this act shall bear interest at the rate approved by the county board.

SECTION 9. Denomination—execution.—The bonds and the coupons to be thereunto attached shall be in such denomination and shall be executed in such manner as the county board shall by resolution prescribe.

SECTION 10. Sale.—Bonds issued pursuant to this act shall be sold at a price of not less than par and accrued interest to the date of their respective deliveries. They shall be sold after public advertisement of their sale in a newspaper of general circulation in South Carolina. Such published notice shall appear not less than ten days prior to the occasion set for opening bids.

SECTION 11. Payment.—For the payment of the principal and interest of all bonds issued pursuant to this act, as they respectively mature, and for the creation of such sinking fund as may be necessary therefor, the full faith, credit and taxing power of Chester County shall be irrevocably pledged, and there shall be levied annually by the Auditor of Chester County, and collected by the Treasurer of Chester County, in the same manner as other county taxes are levied and collected, on all taxable property in Chester County, a tax sufficient to pay the principal and interest of the bonds as they respectively mature and to create such sinking fund as may be necessary therefor.

SECTION 12. Exempt from taxes.—The principal and interest of bonds issued pursuant to this act shall have the tax-exempt status prescribed by Section 65-4.1, Code of Laws of South Carolina, 1962.

SECTION 13. Proceeds.—The proceeds derived from the sale of any bonds issued pursuant to this act shall be paid to the Treasurer of Chester County and shall be expended as follows:

(a) Any accrued interest received shall be applied by the county treasurer to the payment of the first installment of interest to become due on such bonds.

(b) Any premium shall be applied by the county treasurer to the payment of the first installment of principal of such bonds.

(c) The remaining proceeds shall be expended upon the warrant of the hospital board for the following purposes:

(1) To defray the cost of issuing the bonds authorized by this act; and

(2) To provide for the construction of the nursing or convalescing home herein authorized and to pay for any land acquisitions necessary therefor.

(d) If, after the final completion of the hospital board's program, the hospital board shall certify to the Treasurer of Chester County that any remaining balance in the bond account is no longer needed for its program, then such balance shall be held by or delivered to the county treasurer and used to effect the retirement of bonds then outstanding, which shall have been issued pursuant to this act.

(e) Pending any use of funds, it shall be lawful for the hospital board to cause the principal proceeds resulting from any sale of bonds to be invested in obligations of the United States, or any agency thereof, having a maturity of not more than two years from the date when such investments shall be made. In order to effect such investment the hospital board shall be empowered to withdraw from the treasurer the entire principal proceeds of any bonds that may be issued and to cause them to be deposited with any corporate trustee who shall hold them as trust funds to be invested in the manner that the hospital board shall direct within the limitations imposed by this paragraph.

Any income resulting from such investment shall be returned to the Treasurer of Chester County and used by him to meet the debt service of any bonds so issued.

SECTION 14.—No further action necessary.—No election is prescribed as a condition precedent to the issuance of bonds pursuant to this act, and no action other than that prescribed herein need be taken to effect the issuance of the bonds herein authorized, nor shall the county board be required to obtain the approval of any public agency to any action taken pursuant to the authorizations of this act.

SECTION 15. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 22nd day of April, 1966.

(R1066, H2377).

No. 1232

An Act To Authorize The Board Of Trustees Of The School District Of Chester County To Issue Not Exceeding Two Hundred Fifty Thousand Dollars Of General Obligation Bonds To Operate And Maintain Vocational School Facilities; To Prescribe The Conditions Under Which The Bonds May Be Issued And To Make Provision For Payment Of The Bonds.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Finding of General Assembly.—The General Assembly finds that there is a need for public vocational education in Chester County and that it is a proper function of the School District of Chester County (the School District). It has further found that if the School District will provide funds to the extent of not exceeding two hundred fifty thousand dollars, Federal grants may become available which would provide the additional funds required to provide facilities for a vocational school. On such basis, it has determined to vest in the Board of Trustees of the School District of Chester County (the Board) the function of operating and maintaining vocational school facilities in Chester County and to authorize the Board, if it shall find that a Federal grant will become available to Chester County, to issue not exceeding two hundred fifty thousand dollars of general obligation bonds of the School District in order to provide the share of the School District of the cost of establishing vocational school facilities.

SECTION 2. Board may operate vocational school.—The Board is hereby authorized to operate and maintain vocational school facilities within the School District for the benefit of those who reside within the School District. To that end the Board is empowered to prescribe rules and regulations governing the eligibility and attendance of those who shall utilize the facilities.

SECTION 3. Bonds may be issued.—If the Board shall find that a Federal grant is available and that adequate vocational school facilities

can be established within the School District with the proceeds of such grant and the proceeds of the bonds authorized by this act, then the Board shall be authorized to issue not exceeding two hundred fifty thousand dollars of general obligation bonds of the School District. The condition precedent, imposed by this act, that there be made available to the School District a grant shall be deemed discharged if the Board shall find that such a grant has been made and that pursuant thereto there will become available to the School District that sum which, together with the proceeds of the bonds, will be sufficient to provide suitable vocational educational facilities within the School District. It is not intended that the School District must receive the proceeds of the grant prior to the issuance of the bonds hereby authorized.

SECTION 4. Maturity.—All bonds issued pursuant to this act shall mature in such annual series or installments as the Board shall provide for, except that the first maturing bonds of any issue shall mature within two years from the date as of which they shall be issued; not less than three per cent of any issue shall mature in each year; and no bond shall mature later than twenty-five years from the date as of which it shall be issued.

SECTION 5. Redemption.—Any bond issued pursuant to this act may be issued with a provision permitting its redemption prior to its stated maturity at par and accrued interest, plus such redemption premium as may be prescribed by the Board, but no bond shall be redeemable prior to its stated maturity unless it contains a statement to that effect. In the proceedings authorizing the issuance of the bonds, provision shall be made specifying the manner of call and the notice thereof that must be given as to bonds made redeemable prior to their stated maturities.

SECTION 6. Form.—The bonds issued pursuant to this act shall be in the form of negotiable coupon bonds, payable to bearer, but may be issued with the privilege to any holder of having them registered as to principal on the books of the Treasurer of Chester County, upon such conditions as the Board may prescribe. Except when so registered, all bonds issued pursuant to this act shall have all attributes of negotiable instruments under the law merchant and the negotiable instruments law.

SECTION 7. Denominations.—The bonds issued pursuant to this act shall be of such denomination and shall be made payable at such places, within or without the State, as the Board shall provide.

SECTION 8. Interest.—Bonds issued pursuant to this act shall bear interest at rates determined by the Board.

SECTION 9. Execution.—The bonds and the coupons to be thereunto attached shall be executed in such manner as the Board shall by resolution prescribe.

SECTION 10. Sale.—Bonds issued pursuant to this act shall be sold at a price of not less than par and accrued interest to the date of their respective deliveries. They shall be sold after public advertisement of their sale in a newspaper of general circulation in South Carolina. Such published notice shall appear not less than ten days prior to the occasion set for opening bids..

SECTION 11. Payment.—For the payment of the principal and interest of all bonds issued pursuant to this act, as they respectively mature, and for the creation of such sinking fund as may be necessary therefor, the full faith, credit and taxing power of the School District of Chester County shall be irrevocably pledged, and there shall be levied annually by the Auditor of Chester County and collected by the Treasurer of Chester County, in the same manner as county taxes are levied and collected, a tax without limit on all taxable property in the School District of Chester County, sufficient to pay the principal and interest of such bonds as they respectively mature and to create such sinking fund as may be necessary therefor.

SECTION 12. Exempt from taxes.—The principal and interest of bonds issued pursuant to this act shall have the tax exempt status prescribed by Section 65-4.1 of the 1962 Code.

SECTION 13. Proceeds.—The proceeds derived from the sale of any bonds issued pursuant to this act shall be paid to the Treasurer of Chester County, to be deposited in a Bond Account Fund for the School District of Chester County, and shall be expended and made use of as follows:

(a) Any accrued interest shall be applied to the payment of the first installment of interest to become due on such bonds.

(b) Any premium shall be applied to the payment of the first installment of principal of such bonds.

(c) The remaining proceeds shall be expended, upon the warrant or order of the Board, for the following purposes:

(i) To defray the costs of issuing the bonds authorized by this act; and

- (ii) To provide for vocational educational facilities for the School District in the manner contemplated by Section 3 of this act.

(d) If, after the final completion of the Board's program, the Board shall certify to the Treasurer of Chester County that any remaining balance in the Bond Account is no longer needed for its program, then such balance shall be held by the Treasurer and used to effect the retirement of bonds then outstanding, which shall have been issued pursuant to this act.

SECTION 14. Powers to be additional.—The powers and authorizations hereby conferred upon the Board shall be in addition to all other powers and authorizations previously vested in the Board and may be availed of pursuant to action taken at any regular or special meeting of the Board.

SECTION 15. No other action necessary.—No action other than that prescribed in this act need be taken to effect the issuance of the bonds herein authorized, nor shall the Board be required to obtain the approval of any public agency to any action taken pursuant to the authorizations of this act.

SECTION 16. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 22nd day of April, 1966.

(R1118, H2486)

No. 1233

An Act To Amend Act No. 379 Of The Acts And Joint Resolutions Of The General Assembly Of 1959, As Amended, Relating To The Chester Metropolitan District, So As To Further Provide Therefor.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 2 of Act 379 of 1959, amended—election of Chester Metropolitan Commission.—Section 2 of Act No. 379 of 1959, as last amended by Section 1 of Act No. 1187 of 1964, is further amended by striking out the following in the first two lines of the second paragraph of the section: "At the first general election after the completion of construction of the water project contemplated by

this act", and inserting in lieu thereof the following: "At the general election of 1968". When so amended, the second paragraph of Section 2 shall read as follows:

"At the general election of 1968, the Chester Metropolitan Commission shall be elected for terms as follows: three shall be residents of the City of Chester, two shall be residents of the Great Falls Public Service District, one shall be a resident of the Town of Fort Lawn, one shall be a resident of the Town of Richburg, and two shall be residents of the remaining area of the Chester Metropolitan District. The terms of those first elected from the City of Chester, the Great Falls Public Service District, and the said remaining area of the Chester Metropolitan District shall be staggered as follows: of the three from the City of Chester, one shall be for a term of four years and two shall be for terms of two years; of the two from the Great Falls Public Service District, one shall be for a term of four years and one shall be for a term of two years; the terms of office of the commissioners from Fort Lawn and Richburg each shall be for terms of four years; and of the two from the said remaining area of the Chester Metropolitan District, one shall be for a term of four years and one shall be for a term of two years. The length of the staggered terms shall be determined by lot at the first meeting of the commission after election. The terms of office of those elected shall commence on Monday following their election, and they shall hold office until their successors are elected and qualify."

SECTION 2. Section 2 of Act 379 of 1959 further amended—Chester Metropolitan District declared a public works of Chester County.—Section 2 of Act No. 379 of 1959, as last amended by Act No. 1187 of 1964, is further amended by adding thereto another paragraph as follows:

"The Chester Metropolitan District is declared to be a public works of Chester County, and convict labor of the county may be used in the operation and maintenance of the Chester Metropolitan District."

SECTION 3. Subsection (d), Section 3, Act 379 of 1959 further amended—district may sell water.—Subsection (d) of Section 3 of Act No. 379 of 1959, as last amended by Act No. 1187 of 1964, is further amended so as to authorize the district to sell water to residents outside of the district and to other districts. When so amended subsection (d) shall read as follows:

"(d) To sell water from its plant or system for industrial or domestic use, to the residents of the district or to those not resi-

dents thereof in conformity with a rate schedule to be prescribed by it and to make and enforce such reasonable rules and regulations as it may deem proper to secure itself against nonpayment of its charges therefor. The district shall have the exclusive right to sell and distribute water as a public service in the district outside the limits of any incorporated city or town. The district may contract with other water districts in Chester County and with Mitford Rural Water District of Fairfield and Chester Counties to sell water to these districts for a reasonable charge, for periods of time not exceeding forty years, subject to such rate schedule as it may prescribe."

SECTION 4. Section 3 of Act 379 of 1959 further amended—powers and duties.—Section 3 of Act No. 379 of 1959, as last amended by Act No. 1187 of 1964, is further amended by adding thereto a new subsection which shall be subsection (1) as follows:

"(1) Enter into contracts for periods of time not exceeding five years for the collection of garbage in the areas known as the Springs Villages of Eureka and Gayle on a cost basis or any other reasonable basis as decided by the commission and to collect and dispose of garbage in accordance therewith."

SECTION 5. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 4th day of May, 1966.

(R1127, H2521)

No. 1234

An Act To Authorize And Empower Chester Sewer District In Chester County To Issue Not Exceeding Four Hundred Thousand Dollars Of General Obligation Bonds Of The District; To Prescribe The Terms And Conditions Under Which The Bonds May Be Issued And The Purposes For Which Their Proceeds May Be Expended; And To Make Provisions For The Payment Of Such Bonds.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Findings of General Assembly.—Chester Sewer District in Chester County is a special purpose district created by Act No. 480 of 1963, as amended by Act No. 1186 of 1964. Committed to the district is the function of providing sewage disposal facilities for

the district. The legislation above referred to permits the district to raise moneys to enable it to discharge its functions through the means of bonds payable from the revenues of its facilities, but does not extend to it the power to issue general obligation bonds. Market conditions and other circumstances indicate that it is not presently feasible to finance the facilities which are required for the district through the sale of bonds payable solely from the revenues of the system. Due consideration has been given to the problem, and it has been determined that the district should be empowered to issue general obligation bonds to the extent of four hundred thousand dollars, the proceeds of which shall be applied to meeting the cost of constructing suitable sewage disposal and treatment facilities, in order to enable the district to fulfill its functions.

SECTION 2. Bonds may be issued.—Chester Sewer District Commission is hereby authorized and empowered to issue not exceeding four hundred thousand dollars of general obligation bonds of Chester Sewer District and to apply the proceeds thereof to costs and expenses incurred in the construction of suitable sewage collection, treatment and disposal facilities. Costs so incurred may, in the discretion of the commission, include the amount required to capitalize interest on any issue of bonds for a period not exceeding two years and such further sum as shall be required to provide a reasonable sum for working capital.

SECTION 3. Maturity.—All bonds issued pursuant to this act shall mature in such annual series or installments as the commission shall provide for, except that the first maturing bonds of any issue shall mature not later than two years from the date as of which they shall be issued; not less than three per cent of any issue shall mature in each year; and no bond shall mature later than thirty years from the date as of which it shall be issued.

SECTION 4. Redemption.—Any bond issued pursuant to this act may be issued with a provision permitting its redemption prior to its stated maturity at par and accrued interest, plus such redemption premium as may be prescribed by the commission, but no bond shall be redeemable prior to its stated maturity unless it contains a statement to that effect. In the proceedings authorizing the issuance of the bonds, provision shall be made specifying the manner of call and the notice thereof that must be given as to bonds made redeemable prior to their stated maturities.

SECTION 5. Form.—The bonds issued pursuant to this act shall be in the form of negotiable coupon bonds, payable to bearer, but may be issued with the privilege to any holder of having them registered as to principal on the books of the Treasurer of Chester County, upon such conditions as the commission may prescribe. Except when so registered, all bonds issued pursuant to this act shall have all attributes of negotiable instruments under the law merchant and the negotiable instruments law.

SECTION 6. Denomination.—The bonds issued pursuant to this act shall be of such denomination and shall be made payable at such places, within or without the State, as the commission shall provide.

SECTION 7. Interest.—Bonds issued pursuant to this act shall bear interest at rates determined by the commission.

SECTION 8. Execution.—The bonds and the coupons to be thereunto attached shall be executed in such manner as the commission shall by resolution prescribe.

SECTION 9. Sale.—Bonds issued pursuant to this act shall be sold at a price not less than par and accrued interest to the date of their respective deliveries. They shall be sold after public advertisement of their sale in a newspaper of general circulation in South Carolina. Such published notice shall appear not less than ten days prior to the occasion set for opening bids.

SECTION 10. Payment.—For the payment of the principal and interest of all bonds issued pursuant to this act, as they respectively mature, and for the creation of such sinking fund as may be necessary therefor, the full faith, credit and taxing power of the district shall be irrevocably pledged, and there shall be levied annually by the Auditor of Chester County and collected by the Treasurer of Chester County in the same manner as county taxes are levied and collected, a tax without limit on all taxable property in the district, sufficient to pay the principal and interest of such bonds as they respectively mature and to create such sinking fund as may be necessary therefor. In addition, the bonds authorized by this act may, in the discretion of the commission, be additionally secured by a pledge of the net revenues to be derived from the operation of the facilities of the district.

SECTION 11. Exempt from taxes.—The principal and interest of bonds issued pursuant to this act shall have the tax-exempt status prescribed by Section 65-4.1, Code of Laws of South Carolina, 1962.

SECTION 12. Proceeds.—The proceeds derived from the sale of any bonds issued pursuant to this act shall be paid to the Treasurer of Chester County, to be deposited in a Bond Account Fund for the Chester Sewer District, and shall be expended and made use of as follows:

(a) Any accrued interest shall be applied by the county treasurer to the payment of the first installment of interest to become due on such bonds.

(b) Any premium shall be applied to the payment of the first installment of principal of such bonds.

(c) The remaining proceeds shall be expended, upon the warrant or order of the commission, for the following purposes:

(i) To defray the costs of issuing the bonds authorized by this act; and

(ii) To defray the costs of constructing the facilities herein authorized as such costs of construction have been previously defined in Section 2.

(d) If, after the final completion of the commission's program, the commission shall certify to the Treasurer of Chester County that any remaining balance in the bond account is no longer needed for its program, then such balance shall be held by the treasurer and used to effect the retirement of bonds then outstanding, which shall have been issued pursuant to this act.

(e) Pending any use of funds, it shall be lawful for the commission to cause the principal proceeds resulting from any sale of bonds to be invested in obligations of the United States, or any agency thereof, having a maturity of not more than one year from the date when such investments shall be made. In order to effect such investment the commission shall be empowered to withdraw from the treasurer the entire principal proceeds of any bonds that may be issued and to cause the same to be deposited with any corporate trustee who shall hold the same as trust funds to be invested in the manner that the commission shall direct within the limitations imposed by this paragraph.

Any income resulting from such investment shall be returned to the Treasurer of Chester County and used by him to meet the debt service of any bonds so issued.

SECTION 13. No other action necessary.—No action other than that prescribed in this act need be taken to effect the issuance of the bonds herein authorized, nor shall the commission be required to

obtain the approval of any public agency to any action taken pursuant to the authorizations of this act.

SECTION 14. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 4th day of May, 1966.

(R1143, H2554)

No. 1235

An Act To Create The Rossville Neighborhood Facilities Commission For The Rossville Township Area Of Chester County, And To Provide A Governing Body Therefor With Certain Powers And Duties.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Rossville Neighborhood Facilities Commission, Chester County, created.—There is hereby created the Rossville Neighborhood Facilities Commission for the Rossville Township area of Chester County, which shall consist of five members to be appointed by the Governor upon the recommendation of a majority of the legislative delegation representing Chester County. The members of the commission shall serve for terms of four years and until their successors have been appointed and have qualified. The terms of those members first appointed shall be staggered as follows: two shall be appointed for four years, two shall be appointed for three years, and one shall be appointed for two years. The length of terms of those first appointed shall be determined by lot at the first meeting of the commission. The commission shall meet as soon as practicable after appointment and shall elect one of its members as chairman and such other officers as the commission may deem necessary. Thereafter the commission shall meet on the call of the chairman or a majority of the members.

SECTION 2. Cooperate with United States Department of Housing and Development.—The commission shall cooperate with the Department of Housing and Development of the United States Government and shall arrange with that department for necessary grants and loans and shall make the necessary agreements. In order that the commission may have available such funds as may be required for the purpose of matching funds of the Federal Government, the

necessary millage shall be established by the commission which shall notify the Auditor of Chester County, after which such tax shall be levied and shall be collected by the treasurer. *Provided*, however, that no levy shall be made and no tax shall be collected pursuant to the provisions of this act until it shall have been approved by the county board of directors. The funds shall be deposited by the county treasurer and shall be expended upon warrants signed by the chairman of the commission.

SECTION 3. Compensation of members.—The members of the commission shall receive no salary but shall be entitled to such mileage, subsistence and per diem as authorized by law for members of commissions, committees and boards which shall be paid from the contingent fund of the county.

SECTION 4. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 4th day of May, 1966.

(R1208, H2618)

No. 1236

An Act To Increase The Membership Of The Chester County Hospital Board.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Chester County Hospital Board—President of Chester County Medical Association to be member.—Notwithstanding the provisions of Section 1 of Act 365 of 1947, the President of the Chester County Medical Association shall serve as ex officio member of the Chester County Hospital Board. Such member shall be notified of all board meetings and he or his designee, or both, should attend all meetings.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 10th day of May, 1966.

(R1261, H2607)

No. 1237**An Act To Amend Act No. 802 Of 1954, Relating To The Chester County Natural Gas Authority, So As To Enlarge Its Service Area.**

Whereas, Chester County lies directly across Broad River from and immediately adjacent to the Town of Lockhart, in Lockhart Attendance Area of Union County School District, in Union County, but the area is located a number of miles east of the City of Union, in Union County, which city provides natural gas service to its own citizens through a municipally-owned gas system, but has indicated no present or prospective ability to provide natural gas service to the Town of Lockhart and its environs; and

Whereas, representatives of the Lockhart area aforementioned have sought service from Chester County Natural Gas Authority for the Lockhart Attendance Area of Union County School District, in Union County, and the Authority has indicated its readiness and willingness to undertake to provide service to the area to such extent as is feasible and practicable. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 2 of Act 802, 1954, amended—increase service area of Chester County Natural Gas Authority.—Section 2 of Act No. 802 of 1954 is amended by striking it in its entirety and inserting in lieu thereof the following, so as to increase the service area of the Chester County Natural Gas Authority:

“Section 2. The Authority shall be empowered to furnish natural gas service throughout the County of Chester and in the whole of Lockhart Attendance Area of Union County School District, as constituted on the effective date of this act, lying in Union County, and, for the purposes of this act, the area of the County of Chester and of Lockhart Attendance Area of Union County School District, lying in Union County, shall constitute the designated service area assigned to and to be served by the Authority.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 14th day of May, 1966.

(R1265, H2637)

No. 1238

An Act To Amend Section 2 Of Act No. 1049 Of 1958, Relating To The Duties Of The Historical Commission For Chester County, So As To Authorize The Commission To Accept Donations For Recreational Purposes.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 2 of Act 1049, 1958, amended—Historical Commission for Chester County—Commission may accept donations.—Section 2 of Act No. 1049 of 1958 is amended by deleting the third sentence and inserting in lieu thereof the following, so as to authorize the commission to accept donations for recreational purposes: "It shall receive and disburse funds and accept donations to be used for historical and recreational purposes and may compile, print and sell historical pamphlets." The section when amended shall read as follows:

"Section 2. The commission shall select markers and appropriately mark and designate points and places of historical interest in Chester County. The commission shall be responsible for the upkeep of such historical sites. It shall receive and disburse funds and accept donations to be used for historical and recreational purposes and may compile, print and sell historical pamphlets. In addition, the commission shall advise the county legislative delegation on matters of historical interest in the county."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 14th day of May, 1966.

(R1271, S788)

No. 1239

An Act To Authorize The Chester Airport Commission To Borrow Not Exceeding Fifteen Thousand Dollars To Be Used For Improvements To The Chester Airport And To Provide For Payment Of The Loan.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Chester Airport Commission may borrow money.—The Chester Airport Commission is hereby authorized to borrow not

exceeding fifteen thousand dollars from the Division of General Services, or any other lending agency, under such terms and conditions as may be agreed upon by both parties, for the purpose of making improvements to the Chester Airport. The indebtedness shall be evidenced by a note signed by the chairman of the commission and the county treasurer.

For the payment of the loan, the commission shall pledge the proceeds derived from the rent of the hangar at the Chester Airport.

If for any reason such rent is not sufficient to pay for the loan, the full faith, credit and taxing power of the county are irrevocably pledged for the payment of the indebtedness. The county auditor and the county treasurer are directed to levy and collect annually a sufficient sum to pay the principal and interest thereon.

Should the monies be borrowed from the Division of General Services and should there be default in any payment, the State Treasurer is directed to withhold any funds accruing to the county and to transmit them to the Division of General Services.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 8th day of June, 1966.

(R1331, H2750)

No. 1240

An Act To Provide Supplemental Appropriations For Chester County For The Year 1965-1966.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. There is hereby appropriated from indirect revenues of Chester County and the county contingent fund sums to be used for the following purposes :

Salaries:

Industrial Policeman at Lando	\$ 1,069.32
Caseworkers & Junior Stenographers, Chester Welfare Department	180.00
Chester County Police Department	1,222.45
Law Enforcement, Great Falls Area	595.35
County Treasurer's Office	2,143.76

Chester County's contribution for secretarial expenses of Sixth Judicial Circuit Judge	750.00
Chester County's contribution for stenographic expenses of Sixth Judicial Circuit Solicitor	240.00
S. C. State Commission of Forestry (Salary of tractor operator for July, August and September, 1965)	556.07

All Other Authorizations and Supplements:

Catawba Communications Service (Installation of radio in Rescue Squad ambulance)	235.00
Road Department (Depreciation, repair and maintenance of equipment and machinery)	2,092.09
Colt and Pony Baseball Leagues	2,000.00
Travel Expenses for E. L. Bostic (for May and June, 1965)	80.00
Nelson T. Fletcher (Audit of County Books)	602.60
Chester Telephone Company	1,397.40
Chester Merchants and Credit Association	500.00
Expenses, Board of Registration	2,292.44
Great Falls Civil Air Patrol (Gasoline)	283.10
Chester County's contribution, Carolina Community Actions, Inc.	711.80
American Red Cross, Chester County Chapter (Emergency Relief for Chester County citizens and servicemen)	250.00
South State Chevrolet Company, Inc. (Trade-in difference on 7 new Police cars, per contract)	5,971.62
Operation of Law Enforcement Automobiles	1,449.70
To provide for purchase of real estate situated on Columbia Street and Oakland Avenue, City of Chester, S. C.	15,000.00
Chester County's share of recreational facilities at Wylie Park, Chester City Area Recreation Board.	1,000.00
Premiums on Bonds of County Officials	600.00
Support and Maintenance of convicts at Stockade ..	5,000.00
Transportation of Prisoners	100.00

TOTAL\$ 46,322.70

SECTION 2. This act shall take effect upon approval by the Governor.

Approved the 1st day of June, 1966.

(R1356, H2510)

No. 1241

**An Act Relating To The Fiscal Affairs Of Chester County,
Making Appropriations Therefor And Levying Taxes For The
Fiscal Year Ending June 30, 1967.**

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. The Auditor of Chester County is hereby directed to levy during the year 1966, upon the recommendation and approval of a majority of the Chester County Legislative Delegation, a tax of sufficient number of mills after taking into consideration indirect revenue accruing to the county to provide for the operation of the government of Chester County for the fiscal year beginning July 1, 1966, and ending June 30, 1967. *Provided*, that the treasurer is hereby directed to collect such tax. *Provided*, further, that the Auditor of Chester County is hereby prohibited from the levying of any tax not approved by a majority of the Chester County Legislative Delegation except as otherwise provided by law for school purposes. *Provided*, further, that if no levy is set for ordinary county purposes, then the levy shall be the same as the preceding year.

Item 1. Administration :

A. Office of Clerk of Court :

Clerk	\$ 6,500.00
Deputy Clerk	3,800.00
Assistant Deputy Clerk	3,100.00

B. Office of Auditor :

Auditor (in addition to amount paid by the State of South Carolina)	2,684.00
Auditor—travel expenses	300.00
Assistant Auditor	3,800.00

C. Office of Treasurer :

Treasurer (in addition to amount paid by the State of South Carolina)	2,684.00
Treasurer—travel expenses	300.00
Assistant Treasurer	3,800.00
Clerk	3,100.00

D. Tax Collector

Deputy Tax Collector	5,600.00
	3,250.00

E. Office of Judge of Probate :

Judge of Probate, salary	6,500.00
Deputy Judge of Probate, salary	3,100.00

- F. Office of the County Manager and the County Board of Directors:
 Board Members—Chairman, \$1,700.00; four members @ \$1,500.00 each 7,700.00
 County Manager 8,700.00
Provided, that the County Manager shall carry out duties as hereinafter prescribed.
 Stenographer for County Manager 3,800.00
- G. Board of Equalization and Assessment Control 1,575.00
Provided, that this appropriation or any other funds made available shall be spent by the County Manager upon the recommendation and approval of the Chester County Legislative Delegation.
- H. Legal services, including County Attorney 2,400.00
Provided, that all county agencies, departments, institutions and offices, including County Board of School Trustees and Chester County Hospital Board, shall call upon the legal department for any advice, opinions and other legal information.
- I. Premiums on bonds of county officials 2,000.00
- J. Premiums on Workmen's Compensation Insurance for county employees 6,000.00
- K. Janitor service—Courthouse and other public buildings 5,730.00
Provided, the County Manager shall use the prison labor when available.
- L. Custodian of Chester County War Memorial Building 1,000.00
Provided, the custodian shall be appointed by the County Manager upon the recommendation of a majority of the Chester County War Memorial Commission.
- M. Coroner—salary 1,700.00
 Coroner—travel expenses 300.00
- Item 2. Chester County Police Department:
- A. Sheriff \$ 6,500.00
 Lieutenant 5,000.00
 Two (2) Sergeants @ \$4,700.00 each 9,400.00
 Six (6) policemen @ \$4,500.00 each 27,000.00
 Two (2) jailors @ \$3,200.00 6,400.00

Record clerk 3,100.00

The Sheriff shall set up a complete system of records showing information on all prisoners placed in the jail and any other records he may deem wise.

Provided, the record clerk shall keep such records and such records shall be available to the magistrates and all law enforcement officers.

Provided, further, such records shall show the time when a prisoner is confined in the County Jail and when released.

- B. Jail expenses, including dieting of prisoners and convicts in County Jail 11,000.00

Provided, that the Jailor or Sheriff shall keep an accurate record of the time a prisoner enters and leaves the County Jail and the number of meals served each prisoner while he is confined in the County Jail. Such Jailor or Sheriff shall be paid on the basis of thirty cents per meal.

Provided, further, that the County Manager shall have supervision of and shall be held responsible for the expenditure of the above appropriation and shall be empowered to make rules and regulations of the expenditure thereof. *Provided*, further, that the Jailor or Sheriff shall submit to the County Manager his record of time each prisoner or convict spent in the County Jail. Such records shall be used as a basis of payment by the County Manager for the dieting of prisoners and convicts. The record shall be kept in the jail book on file in the County Jail and all entries shall be made with ink or indelible pencil. *Provided*, further, that before payment is made by the County Manager to the Jailor or Sheriff the County Manager shall compare and check the record submitted by the Jailor or Sheriff with the jail book in the Sheriff's office.

Item 3. Magistrates:

- A. First District\$ 3,900.00
B. Second District 1,425.00
C. Third District 1,625.00

D. Fourth District	1,175.00
E. Fifth District	1,010.00
F. Sixth District	1,010.00
G. Seventh District	3,900.00
H. Magistrates' constables (5)	1,348.28
Item 4. Law Enforcement, Great Falls Area (One chief @ \$5,000.00, Four patrolmen @ \$4,500.00 each, Three commissioners @ \$25.00 each per month) \$	23,900.00
Item 6. Miscellaneous Law Enforcement:	
A. Support and maintenance of convicts at stockade \$	30,000.00
B. Technician for police radio	660.00
C. Police radio operator	3,400.00
D. County share for police radio operator	1,700.00
E. Relief operator, police radio	1,235.00
<i>Provided</i> , that the police radio operators and police radio technician shall be employed by the Sheriff. <i>Provided</i> , further, that the Sheriff shall prescribe the duties of the police radio operator and police technician.	
F. Uniforms and supplies for Law Enforcement Officers	2,500.00
<i>Provided</i> , that the County Manager shall pur- chase uniforms as needed. <i>Provided</i> , further, that when a new law enforce- ment officer is hired there is hereby authorized and directed a deduction of \$25.00 per month from such officer's pay for a period of six months to apply to the purchase of uniforms.	
G. Uniforms and Supplies for Auxiliary Police ...	700.00
H. Jurors and witnesses, including Magistrates' Jurors for regular or special term of court	7,000.00
<i>Provided</i> , that jurors for the Circuit Court shall be paid mileage each way for each mile actually traveled each day at 5¢ per mile. <i>Provided</i> , further, jurors shall be paid at the rate of seven dollars and fifty cents per day. <i>Provided</i> , further, Magistrates' Jurors shall be paid as provided by law.	
I. Post mortems, inquests, lunacy commitments ..	1,200.00
J. For operation of Law Enforcement automobiles	8,500.00

Provided, that identification signs shall be placed on all Chester County law enforcement automobiles. The county shops shall be used for maintenance of all law enforcement automobiles and vehicles whenever possible. *Provided*, further, that law enforcement automobiles shall be used for official business only.

- K. Jailor, Great Falls Jail \$ 1,300.00

Provided, the Jailor shall be appointed by the County Manager upon the recommendation of the Chester County Legislative Delegation.

Item 7. Farm Agencies:

- A. Supplement to County Agent\$ 992.25
 B. County Agent for supplemental postage, telephone, etc. 200.00
 C. Supplement to salary of Assistant County Agent 661.50
 D. Supplement to County Agent's Stenographer .. 441.00
 E. Boys' and Girls' 4-H Club work 250.00
 F. Supplement to salary of Home Demonstration Agent 330.75
 G. Supplement to Stenographer for County Home Demonstration Agent 661.50
 H. Supplies for Home Demonstration Agent 160.00
 I. Supplement to salary, Associate County Agricultural Agent 265.00
 J. Secretary to Associate Agricultural Agent and Associate Home Demonstration Agent 1,200.00

Item 8. Welfare:

- A. Supplement to salary of County Director of Public Welfare\$ 315.00
 B. Supplement to Chester County Public Welfare Board 428.40
Provided, that members shall be paid at the rate of ten dollars per meeting and for mileage (12 meetings per year).
 C. Supplement to salaries of Case Workers and Junior Stenographers, Chester County Welfare Department, to be paid at the rate of \$10.00 per worker 1,008.00
 D. Emergency relief for Public Welfare 500.00
 E. Office Expense Fund 350.00

Item 9. Health:

B. County Health Department	\$ 14,200.00
C. Tuberculosis Clinic work	800.00
D. County Physician	1,800.00

Item 10. Veterans:

A. Service Officer for veterans of all wars	\$ 4,795.00
B. Travel for Service Officer, if so much be necessary	1,500.00
C. Stenographic help for Service Officer	3,000.00

Item 11. National Guard Unit at Chester\$ 1,500.00

Item 12. Road Department:

A. Road equipment and expenses of operation of same, including road construction program operated in connection with and under the supervision of the State Highway Department on State highways, including labor, roads, bridges, culverts and pipe lines	70,000.00
<i>Provided</i> , that the above amount is appropriated for the above-stated purposes only, and before any new road construction or new projects are undertaken by the County Manager and County Board of Directors, prior appropriation therefor shall be made by the county legislative delegation. <i>Provided</i> , further, that the County Manager shall be held responsible for any construction or new projects made contrary to the above provisions. <i>Provided</i> , further, that all trucks, motor graders, tractors and other equipment shall have identification signs showing that they are the property of Chester County. Such signs shall be as follows: "Property of Chester County".	
B. Depreciation, repair and maintenance and acquisition of equipment and machinery, if so much be necessary	25,000.00

Item 13. Miscellaneous:

A. Public buildings, including water, lights, fuel and insurance, including Health Centers, Great Falls Jail and Chester County War Memorial Building	\$ 25,000.00
B. Printing, postage and stationery	15,000.00

C. Retirement and Social Security, County employees	20,000.00
D. Chester County Commerce and Development Board, for advertising county advantages, if so much be necessary	7,000.00
E. Chester Soil and Water Conservation District ..	500.00
F. Miscellaneous expenses, County Manager	1,300.00
G. Miscellaneous expenses, 5 members County Board of Directors, \$100.00 each	500.00
H. Civil Defense, if so much be necessary	6,500.00
<i>Provided</i> , the appropriation for Civil Defense shall be budgeted by the County Manager and the Director of Civil Defense with the approval of the Chester County Legislative Delegation.	
I. Board of Registration	500.00
J. Expenses, tax notices and auditing fees	1,600.00
K. Premium, accident insurance, County Law Enforcement Officers	300.00
L. Nursing Home patients, if so much be necessary	4,500.00
<i>Provided</i> , that the above amount shall be expended by the County Manager on patients in nursing homes that are approved by the State Board of Public Welfare and the State Health Department; <i>provided</i> , further, that such patients shall be approved by the Chester County Welfare Department.	
M. Chester County Library (in addition to levy made hereinafter in Section 2)	6,000.00
N. Mental Health Clinic, Chester County's contribution	5,500.00
<i>Provided</i> , this amount is hereby appropriated contingent upon the operation of a mental health clinic in conjunction with Lancaster and York Counties.	
O. Hospitalization of charity patients whose condition demands hospitalization, if so much be necessary	15,000.00
<i>Provided</i> , that the treasurer shall make these funds available direct to the Chester County Hospital Board upon itemized statements of the number of days spent in the hospital by charity	

patients signed by each patient and certified by the hospital management. *Provided*, further, the Chester County Hospital Board is responsible for and charged with the expenditure of the above levy for hospitalization of charity patients and is hereby authorized and directed to make such investigations in order to determine who is eligible for charity hospitalization as they deem wise. *Provided*, further, that the Chester County Board of Public Welfare is hereby directed to make any such investigations of charity patients as the Chester County Hospital Board may request. *Provided*, further, that the charity patients referred to herein shall be citizens of Chester County.

P. Audit of county books	3,000.00
Q. Chester County Quail Hatchery	1,500.00
R. Transportation of prisoners	350.00
S. Hospital insurance for law enforcement officers and road department employees	9,800.00
T. Miscellaneous expenses for Veteran's Service Officer	300.00
U. Miscellaneous expenses for three (3) county fire wardens, \$100.00 each	300.00
V. Secretarial and miscellaneous expenses for resi- dent judge of sixth judicial circuit	750.00
Total	<hr/> \$510,869.68

SECTION 2. The following taxes are levied upon the taxable property of Chester County for the year 1966 for expenditure during the fiscal year commencing July 1, 1966, and ending June 30, 1967, for the following purposes:

(a) To provide funds for retiring and paying interest on Chester County Hospital bonds (issue of 1950), five (5) mills;

(b) For county roads, five mills, to be expended on the county roads. Such expenditure shall include labor, roads, bridges, culverts and pipe lines and the construction program operated in connection with and under the supervision of the State Highway Department on roads now in or roads to be placed in the State Highway system. The funds raised from this levy are appropriated for

the above-stated purposes only, and any new road construction or projects shall not be undertaken by the County Manager or the County Board of Directors unless and until an appropriation has been made therefor by the county legislative delegation;

Provided, the road construction program operated in connection with the South Carolina Highway Department shall be discontinued upon approval of the majority of the Chester Legislative Delegation.

(c) For Chester County Library, one and three-quarter mills; *provided*, this levy shall supersede the levy made in Act 293 of 1949.

Provided, however, that the Auditor of Chester County is hereby directed, upon the written approval of a majority of the Chester Legislative Delegation, to reduce these levies or to eliminate them entirely.

Provided, further, that in case the funds provided by the above levies prove to be more than enough for such purposes, the treasurer, upon the written authority of the majority of the Chester County Legislative Delegation, shall transfer such excess funds to the Chester County Contingent Fund.

SECTION 3. The county treasurer is empowered to borrow in anticipation of taxes levied so much money as may be necessary to pay the authorized expenses of the county in case of emergency; *provided*, it shall be borrowed upon the request of the board of county directors, with the approval in writing of a majority of the Chester County Legislative Delegation.

SECTION 4. In the event it should be found that the amount appropriated for any specific purpose is more than is necessary, the county manager shall have the right, with the written approval of a majority of the legislative delegation, to apply such surplus to other necessary county purposes. *Provided*, that the county manager shall not have the right to exceed the appropriations herein made for any specific purpose unless he is authorized prior thereto in writing by a majority of the legislative delegation.

SECTION 5. All county officers, departments, boards and agencies, including the jailor, when in need of supplies, shall make written requisition to the county manager for all supplies needed and in no case shall any purchases be made except as above specified.

SECTION 6. The errors, if any, in the total of this act shall not affect any of the several items named herein.

SECTION 7. The salaries, expense items and rents herein provided for shall be payable monthly, unless otherwise specified and provided.

SECTION 8. The county manager is hereby authorized to allow pay for full ten days' time every two weeks for regular truck drivers, regular machine hands, regular machinists or mechanics, regular foremen of bridge gangs and regular patrol foremen when their time may be interfered with by weather conditions; *provided*, these employees shall be paid weekly; *provided*, however, that these employees report for work and do such work as conditions will permit; *provided*, further, that this shall not interfere with previous arrangements made by the county manager in cases of sickness of employees and shall not interfere with the number of holidays heretofore allowed; and *provided*, further, that the provisions of this section shall not be construed to interfere with the authority of the county manager to discharge any employee for cause, dismiss one when his term of employment has expired, or "lay off" one when his services are not needed, or when there are no funds with which to pay for the work in which he is engaged. *Provided*, further, that the county manager is hereby authorized to allow a vacation of one week each year with pay for such employees who have been in the employ of the county for one full continuous year immediately preceding such vacation. *Provided*, further, that the rate of pay for all county road employees shall be determined and fixed by the county manager and shall be consistent with the amount appropriated each year in the annual Chester County Appropriations Act. *Provided*, further, that when the pay is so determined by the county manager, such rates of pay shall be recommended to the county board of directors for their approval.

SECTION 9. The furniture, fixtures and equipment located on the second floor of the Chester County War Memorial Building shall not be loaned or removed from the building.

SECTION 10. The county manager is hereby authorized to lease or sell land and building formerly known as the Chester County Nursing and Convalescent Home. *Provided*, that before any lease or sale is made by the county manager he shall submit same to the county board of directors and county legislative delegation for their approval.

SECTION 11. The salaries appropriated in this act for all county officers and offices are appropriated in lieu of all fees now provided by law and shall be paid in lieu of all fees.

SECTION 12. The salary for the court bailiff is hereby fixed at ten dollars per diem for days actually served in court.

SECTION 13. The county manager and the executive secretary of the Chester County Board of School Trustees are hereby authorized and directed to post on or before the tenth day of each month, on the bulletin board in the courthouse, an itemized list of all disbursements made during the preceding month and shall forward a copy to each member of the legislative delegation.

SECTION 14. The county manager is hereby authorized and directed to maintain all streets in the City of Chester not now in the State Highway system.

SECTION 15. The words "County Delegation", "majority of the legislative delegation", and words of similar import when used to refer to the group which must approve or take certain action shall, in all cases when used in this act or any act applicable to Chester County, mean the Senator and one-half of the members of the House of Representatives from Chester County.

SECTION 16. The county manager shall annually inventory and identify by proper number of markings all furniture, fixtures and equipment owned by Chester County.

SECTION 17. The levy provided for in Section 21-1816 of the 1962 Code, as amended, shall be at no greater rate than the rate for the fiscal year 1965-1966 and shall be utilized only for the operation of the schools of Chester County.

SECTION 18. The Chester County Board of School Trustees shall be paid at the rate of twenty-five dollars per day for not to exceed twelve meetings per year. *Provided*, this shall be paid out of school funds.

SECTION 19. This act shall take effect upon approval by the Governor.

Approved the 1st day of June, 1966

(R747, H1965)

No. 1242

An Act To Make Supplemental Appropriations For The Fiscal Year 1965-1966 From The General Fund Of Chesterfield County.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. The following supplemental appropriations for the fiscal year 1965-1966 are made from the General Fund of Chesterfield County:

1. Public Buildings	\$ 1,500.00
2. County Contribution to Retirement	1,500.00
3. County Contribution to Social Security	500.00
4. Post Mortem, Inquest, and Lunacy	350.00
5. Officers Bonds	300.00
6. Constables (Salaries)	480.00
7. Maintenance of Indigents	1,200.00
8. Physicians Fees and Drugs	200.00
9. Tri-County Mental Health	4,000.00
10. Pageland Airport	10,287.64
Total	\$ 20,317.64

SECTION 2. This act shall take effect upon approval by the Governor.

Approved the 25th day of January, 1966.

(R826, H2094)

No. 1243

An Act To Extend The Open Season For The Hunting Of Quail And Rabbits In Chesterfield County For The Year 1966 Only.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Quail and rabbit season extended in Chesterfield County.—Notwithstanding any other provisions of law, the open season for the hunting of quail and rabbits in Chesterfield County shall be to and include March first for the year 1966 only.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 2nd day of March, 1966.

(R1009, S675)

No. 1244**An Act To Repeal Section 17 Of Act No. 428 Of 1955, Relating To A Tax Levy For The Chesterfield County Memorial Hospital.**

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 17, Act 428 of 1955, repealed.—Section 17 of Act No. 428 of 1955 is repealed.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 22nd day of April, 1966.

(R1317, H2611)

No. 1245**An Act To Provide For The Levy Of Taxes For Chesterfield County For School And County Purposes For The Fiscal Year Beginning July 1, 1966; To Provide For The Expenditure Thereof; To Provide For The Collection Of Certain Fees In The Windsor Park Sewerage System; And To Provide For Other County Purposes.**

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. The following appropriations are hereby made for the fiscal year July 1, 1966 to June 30, 1967, for the operation of the county government of Chesterfield County :

Item 1. Highway Fund\$130,000.00

This fund shall be spent by the county board of commissioners for the construction, improvement and maintenance of county public roads and bridges; for the purchase, repair, replacement and maintenance of road building and maintenance machinery; for the operation of the county chain gang; for the purposes specified in this act and as set forth in the official budget of the board of commissioners; and for incidental purposes.

Provided, the salaries and travel of the county board of commissioners and the salaries of the clerk and assistant clerk of the county board

shall be paid from this fund. The salaries of each commissioner shall be \$1,500.00 and the travel for each commissioner shall be \$900.00.

Provided, further, that the salaries of the clerk and assistant clerk of the county board of commissioners shall be set by the board and shall be commensurate with the salaries of other county employees.

Provided, further, that the county commissioners are hereby authorized and directed to give all employees, whose salaries are set by them, at least a ten per cent increase.

Total, Item 1		\$130,000.00
Item 2. Auditor's Office:		
Salary, County Auditor	\$	2,173.00
This amount, in addition to the amount provided by the State, provides a total salary for the Auditor of \$6,750.00.		
Clerical Assistance		5,900.00
Extra clerical help, if needed for preparation of 1966 tax books		400.00
Total, Item 2		\$ 8,473.00
Item 3. Board of Equalization	\$	1,500.00
Total, Item 3		\$ 1,500.00
Item 4. Reassessment of property for tax purposes	\$	10,000.00
<i>Provided</i> , that any unexpended balance in such appropriation for 1965-66 may be carried forward and expended for the fiscal year 1966-1967.		
Total, Item 4		\$ 10,000.00
Item 5. Treasurer's Office:		
1. Salary, County Treasurer	\$	2,173.00
This amount, in addition to the amount provided by the State, provides a total salary for the Treasurer of \$6,750.00.		
Chief Clerk to Treasurer		3,300.00
Clerical Assistance		2,600.00

	Extra clerical help, if needed for preparation of 1966 tax books	400.00
2.	Tax Collector	3,300.00
	Tax Collector, travel	1,000.00
	One clerk to Tax Collector	2,600.00
	Cost of delinquent tax collections	6,000.00
	<hr/>	
	Total, Item 5	\$ 21,373.00
Item 6.	Clerk of Court's Office:	
	Clerk of Court, Salary	\$ 6,750.00
	Deputy Clerk of Court	3,300.00
	Clerk of Court, clerk hire	3,000.00
	Supplies	4,000.00
	<i>Provided</i> , that the clerk of court is hereby authorized to purchase all supplies for his office, and the board of county commissioners shall pay from this appropriation all claims for expenses duly approved by the clerk of court.	
	For purchase of Documentary Stamps by the Clerk of Court	500.00
	<i>Provided</i> , that all funds collected from the sale of such documentary stamps shall be kept in a separate fund designated "Clerk's Documentary Stamp Fund", from which fund so collected he shall use as a revolving fund to repurchase additional documentary stamps for sale.	
	Indexing plats—deeds and mortgage books	600.00
	To clerk of court for maintenance of courthouse grounds	450.00
	<hr/>	
	Total, Item 6	\$ 18,600.00
Item 7.	Vital Statistics	\$ 300.00
	<hr/>	
	Total, Item 7	\$ 300.00
Item 8.	Service Officer:	
	Service Officer, salary	\$ 3,000.00
	Travel expense	1,500.00
	Clerk	2,500.00
	The State funds payable to Chesterfield County for the maintenance and services of the County	

Service Officer shall be deposited in the county treasury to the credit of the general fund of the county.

Total, Item 8\$ 7,000.00

Item 9. Judicial Department:

1. County Attorney, Salary\$ 1,000.00

Provided, that the county attorney shall be appointed by the county board of commissioners subject to the approval of a majority of the county legislative delegation.

Provided, further, that the county attorney shall handle all uniform support cases which have formerly been handled by the circuit solicitor.

2. Magistrates:

Salaries of Magistrates:

Courthouse Township 2,000.00

Pageland Township 2,000.00

Cheraw Township 2,000.00

Alligator Township 1,700.00

Mt. Croghan Township 1,700.00

Jefferson Township 1,700.00

Cole Hill Township 1,700.00

Pee Dee Township 1,250.00

Steer Pen Township 1,250.00

Brock's Mill Township 1,250.00

Travel and office supplies for magistrates @ \$50-.00 each per month 6,000.00

3. Magistrates' Constables:

Pee Dee Township 600.00

Steer Pen Township 600.00

Brock's Mill Township 600.00

4. Per diem and mileage of jurors and witnesses, bailiffs, court crier and other court attaches .. 7,000.00

Provided, that the bailiffs and court crier shall be paid at the rate of fifteen dollars for each day of attendance on the court; *provided*, further, that the bailiffs and court crier and jurors shall be paid mileage both ways for each day of attendance on the court at the rate of seven cents per mile; *provided*, further, that magistrate court

jurors in criminal cases shall be paid two dollars each, such payment to be made by the board of county commissioners on the certification of the magistrate and to be disbursed by the magistrate.

5. Coroner's Office:	
Salary, Coroner	1,000.00
Travel expense, Coroner	480.00
Post Mortems, Inquests and Lunacies	1,800.00
6. Master's Office:	
Telephone and supplies	150.00
7. Assistant Solicitor	1,500.00
8. Probate Judge's Office:	
Salary, Probate Judge	100.00
Clerical Help	2,100.00
<i>Provided</i> , this appropriation is on condition that the probate judge reimburse the county out of the fees received by him for the entire sum of two thousand one hundred dollars, to be paid to the county treasurer in monthly installments of one hundred seventy-five dollars each, which shall begin July 1, 1966, which shall be placed in the general fund of the county. This provision shall be applicable to a deputy probate judge, if such officer be appointed.	
9. Secretary to Probation Officer	1,500.00
Total, Item 9	\$ 40,980.00

Item 10. Sheriff's Office:

Sheriff, general salary	\$ 4,800.00
Sheriff, travel expense	2,280.00
Salary, seven rural deputies @ \$4,000.00 each ..	28,000.00
Travel expense, seven deputies @ \$600.00 each ..	4,200.00
Uniforms for seven deputy sheriffs and radio operator, to be approved by the Sheriff	1,800.00
Clerical assistants and radio operators	4,000.00
Maintenance and operation of radios for sheriff and deputy sheriffs and incidentals	2,500.00
Maintenance and operation of cars owned by county and used by Sheriff's Department and Tax Collector	12,000.00

Automobile insurance on automobiles of Sheriff's Department and transportation expense, other than automobile expense 1,800.00
 To purchase four new automobiles for Sheriff's Department 9,000.00
Provided, that such automobiles shall be purchased through the Division of General Services of the State Budget and Control Board.

Total, Item 10 \$ 70,380.00

Item 11. County Jail:

Jail expenses, including dieting of prisoners at \$1.50 per day and incidents \$ 9,000.00
 Cook for Jail 800.00

Total, Item 11 \$ 9,800.00

Item 12. Agriculture:

Stenographer, County Extension Office \$ 1,483.00
 For demonstration supplies and telephone 300.00
 Boys' 4-H Club Work 200.00
 Girls' 4-H Club Work 200.00
 Future Farmers of America 300.00
 Assistant Home Demonstration Agent 1,020.00
 Telephone for Extension Office 120.00
 County Agent, Home Agent, and Assistant County Agents, Part-time Secretary and Supplies 2,820.00
Provided, that this fund shall be disbursed by the County Agent.
 Secretarial help, Soil Conservation Office 1,200.00
 Payment of rent for FHA Office 360.00

Total, Item 12 \$ 8,003.00

Item 13. Public Health:

1. County Health Department \$ 11,349.00
 2. Tri-County Mental Health 6,200.00
 3. Contributions and Charity:
 (a) Maintenance of indigents 6,000.00
 (b) Charity hospital fund 10,000.00

This fund shall be spent by the county board of commissioners, and shall be paid directly to the hospitals. Such aid shall be granted only to destitute persons upon a certificate from a reputable physician that such hospitalization is absolutely necessary. All applications to the county board of commissioners for benefits under the "hospital fund" herein provided shall be referred by the clerk of the board to the county welfare department, which shall make an immediate investigation and report its findings, conclusions and recommendations to the county commissioners. No application for hospital aid shall be approved unless and until it has been recommended by the director of the county welfare department; *provided*, that the clerk of the county board of commissioners and the Administrator of the Chesterfield County Memorial Hospital may authorize such aid when the physician certifies that an immediate hospitalization is necessary for an operation or other sufficient medical reason, but not otherwise; *provided*, further, that the application of the patient, the recommendation of the director of the county welfare department and the action of the board of county commissioners must be attached to and made a part of the voucher for the payment of all grants of aid under such hospital fund. When an emergency application for aid from the hospital fund has been granted by the clerk, or the board of county commissioners, as herein authorized, the certificate of the physician upon which the application was granted and the written authorization of the clerk must be attached to the warrant or voucher issued for payment of such aid. No authorization for hospital care shall be good for more than ten days unless reinvestigated and reapproved and the board of county commissioners shall have the authority to set maximums, both for per day and total care. The Treasurer of Chesterfield County is forbidden to pay any claim or voucher drawn

against the hospital fund unless it strictly complies with the terms and conditions herein prescribed, and has such proofs thereunto annexed, and the voucher and proof shall be retained as a permanent record.

Physicians' fees and drugs	1,000.00
County tuberculosis health nurse, supplies and incidentals	964.00

Total, Item 13\$ 35,513.00

Item 14. Welfare Department:

Emergency relief	\$ 1,000.00
Emergency board for children	1,000.00
Office rent	1,200.00
Telephone and telegraph	300.00
Fire insurance premium on office equipment	45.00
Contingent fund	500.00

Provided, the board of commissioners is directed and required to supply the necessary fuel, lights and water for the county welfare office and to pay for the same out of the appropriation herein for water, fuel, lights, etc., for the maintenance of public buildings.

Total, Item 14\$ 4,045.00

Item 15. Workmen's Compensation\$ 2,500.00

Workmen's Compensation coverage for Chesterfield County school teachers and school employees, if so much be needed	1,800.00
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Provided, that the school teachers and all school employees of Chesterfield County be provided with Workmen's Compensation coverage and that this coverage be placed with the State's Workmen's Compensation Fund.

Total, Item 15\$ 4,300.00

Item 16. General Contingent Fund\$ 10,000.00

Provided, that this amount, or so much thereof as is required, shall be expended to meet unforeseen emergencies and contingencies by the board

of county commissioners; *provided*, further, that any claims, or items payable from this fund shall be paid only upon approval in writing of a majority of the county legislative delegation.

Total, Item 16 \$ 10,000.00

Item 17. Annual County Audit:

For annual county audit, not to exceed \$ 4,000.00

Provided, that the books and records of each school district shall be audited and the cost of such audit shall be paid for by the respective school district.

Total, Item 17 ... \$ 4,000.00

Item 18. Miscellaneous:

Janitor, Courthouse \$ 2,400.00

Water, fuel, lights and insurance and other incidentals for maintenance of public buildings .. 8,500.00

Printing, postage, stationery, office supplies and incidentals for county offices 9,500.00

County contribution to retirement, county officials 14,000.00

County contribution to Social Security, county employees 8,000.00

Officers' bond 1,800.00

Tax Billing Machine 10,000.00

Photostat Machine 10,000.00

Three National Guard Companies \$1,000.00 each 3,000.00

Chesterfield County Development Board 1,000.00

Chesterfield County Rescue Squad, Cheraw Unit \$800.00, Chesterfield Unit \$800.00, Jefferson Unit \$1,500.00, Pageland Unit \$1,500.00 4,600.00

Paving parking area at Chesterfield Health Center 300.00

Total, Item 18 \$ 73,100.00

GRAND TOTAL \$457,367.00

Estimated Revenue:

Gasoline Tax	\$130,000.00
Liquor Tax	36,000.00
Beer and Wine Tax	9,500.00
Income Tax	58,000.00
Insurance License Fee	19,000.00
Bank Tax	5,000.00
Delinquent Tax	6,000.00
Magistrates' Fines	58,000.00
Clerk of Court	27,600.00
County Service Officer	4,815.00
Board of Commissioners	5,000.00
Probate Judge	2,100.00

Total, Estimated Revenue\$361,015.00

Amount to be raised by taxation\$ 96,352.00

SECTION 2. All appropriations made and provided herein shall lapse, cease and terminate at the end of the fiscal year for which they are made except that appropriations for the payment of bonds or notes or interest on bonds or notes shall remain effective until such bonds, notes or interest are paid.

SECTION 3. The county commissioners are hereby required to keep a separate account governing the various items of the appropriations act and not to exceed in expenditure or contract the amount herein provided for each item, and for any such excess allowed or permitted, such officers shall be held liable on their official bonds. The clerk of the county board of commissioners shall make monthly statements of expenditures and balances of the different items, both to the board and to each member of the Legislative Delegation from Chesterfield County. Any contract made in violation of this act shall not be a valid claim against Chesterfield County.

SECTION 4. All departments of the county government shall make requisition to the county board of commissioners for all stationery, books, blanks and supplies and the board shall purchase and provide so much thereof as in its judgment is necessary and proper, and the board shall not approve any account or issue its voucher for any supplies, etc., purchased or ordered by any office or officers of the county. Nothing contained in this section shall be construed

to authorize the board of county commissioners to make any disbursements in excess of the appropriation herein made. The office of the clerk of court is excepted from the provisions of this section.

SECTION 5. All purchases in excess of four hundred dollars of motor vehicles, trucks, tractors, road building and maintenance machinery and equipment and parts, replacements and repairs therefor, and all commodities and supplies of any and every character for the use of the county, its departments, officers and agencies must be purchased by the board of county commissioners, upon sealed competitive bids or proposals, after publication of the invitations for bids or proposals therefor in a newspaper in Chesterfield County. All bids or proposals for the purchase of road building machinery shall be advertised in one or more newspapers published in the City of Columbia, S. C.

In advertising for bids the board of county commissioners shall prescribe specifications to be met. All bids or proposals must provide that sealed competitive bids or proposals will be publicly received by the board of county commissioners at a specific hour, on the named day, and that such sealed bids or proposals shall be then and there publicly opened and published. In all instances the lowest bids or proposals meeting specifications must be accepted or all bids or proposals rejected. The board of county commissioners may, at its option and in lieu of advertising for sealed competitive bids, contract for the purchase of motor vehicles, trucks, tractors, road building and maintenance machinery and equipment, and parts, replacements therefor, through the Division of General Services of the State Budget and Control Board, or may buy surplus property from any agency of the State or Federal Government. The board of county commissioners is hereby authorized and empowered to contract by public bids or proposals, as herein provided, for the commodities and supplies required for the period of a fiscal year, or any part thereof. All of such bids or proposals with the printer's proof of the advertisement for the bids shall be preserved by the clerk to the board of county commissioners as a permanent record in the office of the county commissioners.

SECTION 6. The board of county commissioners may, in its discretion, waive the requirement that all claims be verified and, in lieu thereof, substitute an endorsement to be signed by the payee of the check issued on the claim whereby the payee certifies that the claim for which the check was issued was true and correct and has not been otherwise discharged.

SECTION 7. The county treasurer and clerk of court are required to file quarterly statements in duplicate with the county board of commissioners, which shall show the amount of fees collected by each of them. In addition the treasurer's report shall show the amount of cash on hand, the amount of cash in banks, the name of the banks in which deposited; *provided*, that no county warrant for salary shall be issued to the clerk of court until such statement is filed as herein directed, and the provisions of this section shall apply to the county peace officers. *Provided*, further, that a copy of the treasurer's report shall be delivered by him to each member of the county legislative delegation and the chairman of the county sinking fund commission.

SECTION 8. All officers and employees of Chesterfield County are hereby expressly forbidden to contract to perform any work or services, for the county, other than their regular employment, or to furnish any materials, or supplies, to the county, and any disbursement made in violation of the provisions of this section shall be unlawful, and any officer making any such contract, or disbursement, shall be liable to the county personally, and on his official bond, for and to the amount of any such contract or disbursement.

SECTION 9. The county auditor is directed to levy twelve mills tax for the Chesterfield County Board of Education, the funds derived from such tax to be used for the operation of the county board of education, for the insurance of school buildings, and for the purchase or rental of textbooks for the public schools of Chesterfield County.

SECTION 10. The county auditor is directed to levy such millage as may be necessary for the payment of principal and interest on bonds or notes of Chesterfield County, and on bonds of subdivisions of Chesterfield County which have heretofore been assumed by the county.

SECTION 11. The county auditor shall have the power and authority to levy such millage as may be deemed necessary to meet the absolute needs of the county, and is hereby directed to levy ten mills for the operation of the county.

SECTION 12. The County Treasurer of Chesterfield County is hereby authorized and directed to mail to every taxpayer of Chesterfield County, on or before October first, a statement of the amount

of the 1966 taxes of such taxpayer. The notice shall show the school district and township in which the property of the taxpayer is assessed.

Such statement shall include a notice that a penalty of one per cent will be added to the taxes on January 1, 1967, one per cent on February 1, 1967, and an additional one per cent on March 1, 1967, and an additional four per cent on April 1, 1967. The cost of mailing the notices shall be paid out of the ordinary county fund on the approval of the board of county commissioners. A second notice shall be mailed on or before April tenth.

An additional statement shall be included showing all levies in the taxpayer's particular school district.

SECTION 13. With the written approval of a majority of the legislative delegation, the Treasurer of Chesterfield County is authorized to borrow money from the South Carolina Division of General Services of the State Budget and Control Board in anticipation of the collection of county property taxes. Such loans shall be evidenced by notes signed by the treasurer and taxes shall be pledged for the repayment of the same.

SECTION 14. No county gasoline or oil shall be sold to any person or used in any privately-owned vehicle, except as otherwise herein provided.

SECTION 15. The board of county commissioners is authorized, on the filing with it of an official certificate of the county auditor that any taxpayer is entitled to a refund of taxes erroneously paid, to issue its voucher for the refund of the tax so erroneously paid. The certificate of the auditor must be annexed to the voucher for the payment of the claim. Such tax refund shall be paid out of the general county fund.

SECTION 16. The deputy sheriff, magistrates and constables and county game wardens, the State constables, the State Highway patrolmen, and all other State or county peace officers are hereby directed and required to report to the Sheriff of Chesterfield County, on or before the tenth day of the following month, a schedule or statement of all cases made by each of them before the Magistrates of Chesterfield County. The reports shall show the judgment and sentence imposed by the magistrate in each of such cases so reported and the money fines paid or collected from the defendant in each case. The sheriff and the treasurer shall compare such reports

of law enforcement officers with the reports of the county magistrates to be filed monthly, and if there are any material or substantial discrepancies with respect to the monies collected and paid to the treasurer by the magistrates and the amounts of fines reported by such law enforcement officers, the county treasurer shall refer the matter to the solicitor for investigation. The county treasurer is directed and required to refuse the payment of any voucher for the salary of any county magistrate or law enforcement officer until the reports have been made to the sheriff and the treasurer.

SECTION 17. The board of county commissioners is hereby directed and required to keep a separate itemized account of all expenditures and disbursements made for each office and department of the county government, and shall set out the same in the monthly report required by the provisions of Section 3 of this act.

SECTION 18. The board of trustees of each school district of Chesterfield County shall, within thirty days after the approval of the official budget of such school district by the county board of education, have the budget published at least once in a newspaper published in the school district, or in a newspaper published at the county seat, if there be no newspaper published in the particular school district; *provided*, that the county board of education shall adopt, prescribe and require the use of a uniform, standard and comprehensive form of school budget.

SECTION 19. The county board of commissioners shall annually make written recommendations to the county legislative delegation as to the amount of fidelity bonds and insurance coverage necessary to adequately protect the county.

SECTION 20. On or after July first of each year the Chesterfield County Board of Commissioners shall submit to the county treasurer a revised list of all property owners or tenants in the Windsor Park Subdivision and within thirty days of receipt of such list the county treasurer shall notify each property owner or tenant of the amount due. All such charges shall be paid to the county treasurer who shall issue his official receipt therefor. On or before March first of each year the county treasurer shall submit a list showing the names of all property owners or tenants who have failed to pay the sewage charge herein provided to the Chesterfield County Board of Commissioners who shall thereupon take proper action to enforce the payment of such charges. The clerk of court shall report to the county board

of commissioners any transfer of property in the area which shall include the new owners' names and addresses.

Any county official who fails to carry out his duties as provided by this section shall be liable on his official bond and the county attorney shall take such action as may be necessary to insure compliance with the provisions of this section.

SECTION 21. The governing body of the county shall have all county equipment, including automobiles, heavy equipment, other miscellaneous equipment and tools, appropriately marked to show that they are owned by the county.

SECTION 22. This act shall take effect upon approval by the Governor.

Approved the 8th day of June, 1966.

(R773, H2038)

No. 1246

An Act To Authorize The Board Of Trustees Of Summerton School District No. 1 Of Clarendon County To Borrow Not Exceeding The Sum Of Twenty Thousand Dollars For School Purposes And To Provide For The Payment Thereof.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. School District 1 of Clarendon County may borrow money.—The Board of Trustees of School District No. 1 of Clarendon County is authorized to borrow not exceeding the sum of twenty thousand dollars from any bank or lending agency at a rate of interest not exceeding four per cent for school purposes. The loan shall be secured by a note executed by the chairman of the board and the treasurer of the county and shall be repaid within one year.

SECTION 2. Payment.—The payment of the loan and the interest thereon shall be made from the general school revenue and from property taxes collected by the school district for the fiscal year 1966-1967.

SECTION 3. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 16th day of February, 1966.

(R1310, S804)

No. 1247

An Act Authorizing The Clarendon County Board Of Commissioners To Transfer All Right, Title And Interest Of The County In A Tract Of Real Estate.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Clarendon County may convey property.—The Clarendon County Board of Commissioners is authorized to convey to Thomas L. Thigpen all right, title and interest in that certain piece, parcel or lot of land situate, lying and being in the Town of Manning, County of Clarendon, State of South Carolina, being triangular in shape and being bounded on the north by Keitt Street, on the west by lot of Thigpen and on the east by lands of Clarendon County.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 8th day of June, 1966.

(R1386, H2516)

No. 1248

An Act To Provide For The Levy Of Taxes For Ordinary County And Road Purposes For Clarendon County For The Year Beginning July 1, 1966; To Provide For The Expenditure Of Such Taxes And Of Other County Revenues Collected During The Fiscal Year Ending June 30, 1967; To Authorize The Officers Of The County To Borrow Money In Anticipation Of Collection Of County And School District Taxes For The Year 1966 And Previous Years; To Provide For The Transfer Of Unexpended Monies To The General Fund; And Otherwise Relating To The Affairs Of The County And The School Districts Thereof.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. There shall be a levy upon the taxable property of Clarendon County for the purposes hereinafter specified as follows:
School District No. 1: A levy of forty-eight mills on all taxable property in the district.

School District No. 2: A levy of fifty-three mills tax on all taxable property in the district.

Provided, that of this levy five mills shall be reserved for the retirement of a loan by the Bank of Clarendon.

School District No. 3: A levy of seventy-nine mills tax on all taxable property in the district; *provided*, that of this levy twelve mills shall be to retire loan, Bank of Clarendon.

School District No. S-2: A levy of eight mills on all taxable property in the district.

Three mills of the tax hereinabove levied in each district shall be reserved by the Treasurer of Clarendon County for the retirement of the obligations of the Clarendon Memorial Hospital made pursuant to Part II of Act No. 517 of 1961. This levy shall be discontinued when this obligation has been paid in full.

(a) Auditor's Office:

Auditor	\$ 1,500.00
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Provided, this amount shall be varied if necessary, to provide a total salary to the Auditor from state and county of \$6,000.00.

Clerk to Auditor	3,000.00
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Extra Clerical Help on direct claim by extra clerk and approved by Auditor	500.00
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Total	\$ 5,000.00
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(b) Clerk of Court's Office and Probate Judge:

Clerk of Court	\$ 6,000.00
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Services as Probate Judge	900.00
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Deputy Clerk of Court and Probate Judge	3,250.00
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Clerk	3,000.00
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Clerk	3,000.00
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Clerk—Probate Judge's Office	3,000.00
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Record Books, Repairs, Supplies, Furniture, Equipment and Lighting	500.00
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Total	\$ 19,650.00
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(c) Coroner's Office:

Coroner	\$ 2,000.00
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Coroner, for telephone	60.00
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Travel Allowance	120.00
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Coroner's Jurors, \$2.00 each to be paid out on warrants of the Coroner	400.00
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Expenses of Post Mortems, Inquests and Lunacy	500.00
Total	\$ 3,080.00
(d) Sheriff's Office:	
Sheriff	\$ 6,000.00
Sheriff, Travel Allowance	900.00
Sheriff, Telephone	60.00
Clerk	3,000.00
Chief Deputy Sheriff	5,400.00
Chief Deputy Sheriff, travel	1,100.00
Chief Deputy Sheriff, telephone	60.00
Second Deputy Sheriff	5,400.00
Second Deputy Sheriff, travel	1,100.00
Second Deputy Sheriff, telephone	60.00
Third Deputy Sheriff	5,400.00
Third Deputy Sheriff, travel	1,100.00
Third Deputy Sheriff, telephone	60.00
Travel outside county, to be paid on warrants signed by Sheriff for meals and lodging only	300.00
Fingerprint Supplies, Gun and Ammunition and other necessary police supplies	250.00
Secret Service Fund	200.00
Uniforms, to be expended on claims with invoices attached, \$125.00 each	500.00
Automobiles and Communication System, Maintenance, Equipment and Repairs	800.00
Jailor	1,500.00
Jail Expenses and Supplies, including dieting of prisoners at \$1.00 per day	4,000.00
Total	\$ 37,190.00
(e) Superintendent of Education's Office:	
School District No. 1—for operation and maintenance of public school system for nine months, if so much be necessary	\$ 50,000.00
School District No. 2—for operation and maintenance of public school system for nine months, if so much be necessary	100,000.00
School District No. 3—for operation and maintenance of public school system for nine months, if so much be necessary	42,500.00

Superintendent of Education	300.00
<i>Provided</i> , this amount shall be varied if necessary to provide a total salary to the Superintendent of Education, from State and county of \$6,000.00.	
Clerk to Board of Education	3,000.00
County Attendance Teacher, travel	1,080.00
School Lunch Supervisor, travel	420.00
Attendance Teacher for books and supplies for needy children	480.00
Distributive Education:	
Travel	655.00
Total	\$198,435.00
(f) Supervisor's Office:	
Supervisor	\$ 6,000.00
Clerk	3,000.00
Roads, bridges and convicts, Transportation and storage of Surplus Commodities	52,000.00
Salary adjustment for county employees not specifically provided for herein	1,000.00
Repairs to Machinery	6,000.00
Expenses and supplies for making concrete pipe	3,000.00
Total	\$ 71,000.00
(g) Tax Collector's Office:	
Tax Collector	\$ 6,000.00
Clerk	3,000.00
Total	\$ 9,000.00
(h) Treasurer's Office:	
Treasurer	\$ 1,500.00
<i>Provided</i> , this amount shall be varied if necessary to provide a total salary to the Treasurer from State and County of \$6,000.00.	
Assistant to the Treasurer	1,500.00
Extra Clerical Help on direct claim by extra clerk and approved by Treasurer	400.00
Total	\$ 3,400.00

(i) Magistrates:	
Magistrate—Manning	\$ 2,900.00
Magistrate—Summerton	2,575.00
Rent and Telephone	144.00
Magistrate—Salem	2,150.00
Rent and Telephone	144.00
Magistrate—Paxville	1,525.00
Rent and Telephone	144.00
Magistrates' Jurors in criminal cases only \$2.00 per day and stenographer for trials to be ex- pended on warrants of the magistrate	100.00
(The above salaries in all of the above sections shall be in lieu of all fees and commissions pro- vided for county officers, except those provided by law for magistrates in civil cases.)	
Total	\$ 9,682.00
(j) Courthouse:	
Public buildings, water, light, telephones includ- ing telephone in Supervisor's residence, also in- cluding insurance on courthouse and jail	\$ 9,000.00
Hospital Insurance for County Employees and Teachers	8,000.00
Printing, postage and stationery	4,000.00
Bond premiums	530.00
Workmen's Compensation Insurance	2,000.00
S. C. Retirement—County Officers	4,500.00
Social Security	3,800.00
Jurors and Witnesses	5,000.00
<i>Provided</i> , Jurors shall be paid \$6.00 per day.	
Janitor	2,000.00
Courthouse, Jail, Hospital and Health Center grounds, \$100.00 each to be paid on itemized vouchers certifying expenditures as having been made	400.00
S. C. Police Officers' Retirement	1,900.00
Total	\$ 41,130.00
(k) County Health and Welfare Work:	
Health Department, if so much be necessary ..	\$ 6,443.00
Vital Statistics	350.00

T. B. Association Emergency Services	300.00
Chest Clinic	720.00
County Welfare Department:	
Charity Hospitalization	10,000.00
Emergency Fund	1,000.00
Travel, Child Welfare Worker	780.00
Charity Certification	1,500.00
Drugs for T. B. Patients	500.00
Clarendon Memorial Hospital—Maintenance and Repairs	15,000.00
Total	\$ 36,593.00
(1) County Boards:	
Clarendon Memorial Hospital Board	\$ 600.00
County Commissioners, two	720.00
Board of Education (per diem) (Six Appt. Members)	720.00
Board of Assessors, nine	1,800.00
Board of County Welfare (per diem) \$10.00 per meeting	360.00
County Attorney	200.00
Total	\$ 4,400.00
(m) Farm and Home Demonstration Agent:	
Office Expense—County Agent	\$ 200.00
County Agent, Salary Supplement	1,300.00
Associate County Agent—Salary Supplement ..	500.00
Assistant County Agent—Salary Supplement ..	500.00
Clerk, County Agent—Salary	660.00
Home Demonstration Agent, Salary Supplement ..	360.00
Assistant Home Demonstration Agent, Salary Supplement	360.00
County Short Course, Home Demonstration ..	50.00
Clerk, Part-time, Home Demonstration	600.00
Demonstration Materials, Home Demonstration Agent	50.00
Boys' 4-H Club Work	200.00
Girls' 4-H Club Work and Women's Work ...	200.00
Negro Boys' 4-H Club Work	100.00
Negro Girls' 4-H Club Work and Supplies	150.00

Negro Home Demonstration Agent—

Part Salary	1,328.00
Office Expenses, Negro Agents	25.00
Clerical Help, Negro Agricultural and Negro Home Agents	600.00
Negro Home Agent Demonstration Supplies ..	50.00

Total\$ 7,233.00

(n) Miscellaneous:

Miscellaneous Contingent Fund	\$ 3,500.00
Manning Public Library, Countywide use	1,500.00
National Guard Co., Maintenance Fund	1,200.00
Circuit Judge, office expense	500.00
Game Wardens, Travel, 5 @ \$468.00 each	2,340.00
Patrolmen, Telephone, \$6.00 per month each patrolman residing in Clarendon County	442.00
Soil Conservation	1,000.00
To be spent on projects recommended by Clarendon Soil and Water Conservation District and approved by the Delegation.	
Forest Fire Warden	1,575.00
County Service Officer, salary	800.00

Total\$ 12,857.00

GRAND TOTAL\$458,650.00

Less Estimated Revenue other than Property Taxes:

Income Tax	\$ 65,000.00
Gasoline Tax	100,000.00
Alcohol Liquor Tax	35,000.00
Beer and Wine Tax	9,000.00
Bank Tax	2,000.00
Insurance Licenses	12,500.00
Property	276,500.00

Fines and Fees:

Auditor	150.00
Clerk of Court	14,000.00
Tax Collector	8,000.00
Sheriff	2,000.00
Magistrates	41,000.00

Miscellaneous	10,000.00
Total	<u>\$575,150.00</u>
Excess of Revenue over Appropriation	<u>\$116,500.00</u>

SECTION 2. All moneys which may hereafter come into the hands of the treasurer whether the same be from the tax levied herein or from other sources shall be deposited in the general fund of the county for the payment of the sums appropriated herein; *provided*, that the tax levied in School Districts No. 2 and No. 3 for the retirement of debts or bonds shall be kept in a separate fund.

SECTION 3. Expenditures from Item (k), Charity Hospitalization Appropriations, shall be made by the county treasurer upon orders or warrants in such forms as may be prescribed by him issued and signed in behalf of the county board of public welfare, for charity hospitalization and contributions toward the funeral expenses of such needy residents of the county whose financial circumstances and the ability of whose relatives to pay the same have been fully investigated and determined by the board of public welfare.

SECTION 4. All appropriations herein made are subject to the right and authority of the Clarendon County Delegation to change, alter, increase or deduct therefrom at any time without notice, when in its judgment such change, alteration, increase or deduction is necessary for the best interest of the county or to conform with the revenue expected during the life of this act. This act is intended and is construed to make appropriations for the operation and activities of Clarendon County for the period beginning July 1, 1966, and ending June 30, 1967.

Balances from appropriations in former years, unexpended on August 1, 1966, shall terminate and end as of that date. The supervisor shall not spend or contract to spend in excess of any amount appropriated for any item, and he shall keep accurate records and books of account of all expenditures and contracts for expenditures in accordance with the classification and items as they appear in this act.

SECTION 5. The County Treasurer of Clarendon County, upon the unanimous written request of the school trustees of any school district in the county, and approved by the Clarendon County Legis-

lative Delegation, is hereby authorized and empowered, in anticipation of taxes for the year 1966-67 and also in anticipation of the collection of uncollected taxes for prior years, to borrow for ordinary school purposes in such school district an amount not exceeding eighty per cent of the amount that will be raised by the tax levy for the year 1966-67 and the amount due on account of uncollected taxes, at a rate of interest not to exceed four per cent, and issue the promissory note or other obligation of the county therefor, and as security for the payment of the loan or loans to pledge the taxes to be collected for each school district for the year; *provided*, that the proceeds arising from the authority herein given shall be used solely for the payment of ordinary school expenses in keeping schools open in the respective school districts in the county until the schools can realize from the collection of taxes.

SECTION 6. No county officer charged with disbursing the funds herein provided shall expend or contract to spend under any general item any sum greater than the amount for each general item being appropriated, without the written consent of the Clarendon County Legislative Delegation. Any violation of the provisions herein is hereby declared a malfeasance in office and such officer shall be subject to removal by the Governor upon the recommendation of the delegation. He shall be liable on his official bond for all such sums expended or contracted to be spent in excess of the appropriation without first getting the written consent of the delegation as hereinabove provided.

SECTION 7. All purchases of property or supplies of any kind ordinarily purchased within the county, for the use of the county of the value of two hundred dollars or more, shall be made only after ten days' notice inviting bids, the notice being posted on the bulletin board in front of the courthouse door, and all bids received pursuant to such notice shall be considered and acted upon by the board of county commissioners in open meeting. All printing, postage and stationery shall be first approved by the county board of commissioners before purchases or obligations are made.

SECTION 8. The county treasurer is hereby charged with the additional duty of keeping a record of all disbursements in accordance with the classification and items of the appropriations herein made; and the county supervisor shall enter upon each check or warrant drawn by him the name of the fund or appropriation against

which it is drawn and by such entry the treasurer shall charge the expenditure upon his records.

SECTION 9. The county treasurer shall set up and keep sufficient books and records, in addition to such now kept or required by law, to fully comply with the foregoing section; and he shall refuse payment of any check or warrant in excess of the appropriation against which it is drawn; and not later than the tenth day of each calendar month thereafter he shall prepare a statement of the total amount paid out upon the various appropriation items, except salaries and other fixed lump sum appropriations, copies of which statement he shall deliver or mail to the supervisor, each member of the county board of commissioners and to each member of the county legislative delegation, and such statement shall include a statement of the cash balance of ordinary county funds in hand and the amounts invested stated separately.

SECTION 10. In the event that any appropriation item is exhausted before the end of the fiscal year covered by this act, and in the opinion of the county board or county legislative delegation, additional funds are necessary for such purposes, the necessity and the grounds therefor may be presented to the county legislative delegation and the members thereof may authorize additional expenditures, and the written direction of said delegation will authorize the county treasurer to pay such excess amounts out of any available funds in his hand.

SECTION 11. Whenever it appears to the county board that a purchaser at a tax sale received nothing for his bid, because of double entries or other errors in the county records, it may refund the amount paid on account of such bids by approving a claim therefor against the county which may be paid from collections from forfeited lands or from the appropriation herein for contingent expenses, but nothing herein shall be construed as a warrant or representation by the county of the validity of any title acquired at tax sale now or hereafter.

SECTION 12. An audit of the office and records or any part thereof of the county may be had at any time in the fiscal year 1966-1967 by the county legislative delegation and the expenses therefor paid on their written order to the supervisor and treasurer from any available funds in the hands of the latter.

SECTION 13. The auditor and treasurer of the county shall complete the necessary work in their respective offices in order to open the treasurer's books for the collection of the 1966 taxes on September 1, 1966, and the collection of the taxes shall begin on that date.

SECTION 14. No person, firm or corporation (except recipients from charity appropriation and except witnesses and jurors paid by the county) shall be paid any monies herein appropriated unless he or it shall first pay in full any and all outstanding tax executions against him or it or his or its property; *provided*, that such tax execution may be in monthly installments satisfactory to the tax collector. The board of county commissioners shall be responsible upon their respective official bonds for any violation hereof as for any other failure in the performance of their duties.

SECTION 15. The Towns of Manning, Summerton, Turbeville and Paxville may use the county jail for the confinement of their prisoners but shall be required to pay to the county the sum of one dollar per prisoner per day, which sum shall be remitted to the county board of commissioners monthly by the Towns of Manning, Summerton, Turbeville and Paxville, together with the statement of the jailor of the names of the prisoners and the days each was confined.

SECTION 16. The county board of education shall appoint a qualified auditor annually for each of the school districts in Clarendon County, which audit shall be filed with the clerk of court. The trustees of each district shall make an agreement with the auditor so appointed as to the cost prior to commencement of the work and should they fail to agree then the county shall fix his compensation and in this event the county delegation may provide by written order for the payment of the same.

SECTION 17. The forest fire warden provided herein shall be appointed by the Governor upon the written recommendation of a majority of the Clarendon County Forestry Board and approved by the delegation, and shall discharge such duties as said board shall impose upon him from October fifteenth each year to the following March fifteenth. The appointment hereunder shall be for a term of two years. The forest fire warden provided for herein may be removed by the Governor upon the request of the Clarendon County Forestry Board and concurrence of the delegation to that effect.

The forest fire warden shall have the same power as the deputy sheriffs.

SECTION 18. All county employees not herein specifically provided for shall be paid at the rate of nine cents per mile for all travel in performance of their duties.

PART II

Permanent Provisions

SECTION 1. The County Board of Commissioners of Clarendon County are hereby authorized to borrow a sum not to exceed seven hundred and fifty thousand dollars at an interest rate of not in excess of four per cent for the purpose of renovating, remodeling, or rebuilding the courthouse at Manning, South Carolina.

SECTION 2. For the purpose of implementing the provisions of Section 1 the county treasurer, the county supervisor, the members of the board of commissioners and all appropriate officials of Clarendon County are authorized to execute such evidence of indebtedness as may be necessary to effectually bind the county.

This act shall take effect upon approval by the Governor.

Approved the 13th day of June, 1966.

(R902, H2256)

No. 1249

An Act To Authorize The Walterboro-Colleton County Airport Commission To Convey A Right Of Way To The Atlantic Coast Line Railroad Company.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Walterboro-Colleton County Airport Commission may convey right of way.—The Walterboro-Colleton County Airport Commission is hereby authorized to convey to the Atlantic Coast Line Railroad Company the necessary right of way to reactivate the spur track to the Air Base.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 24th day of March, 1966.

(R911, S595)

No. 1250

An Act To Authorize The Walterboro Stadium Authority To Borrow Not Exceeding Four Thousand Dollars For Discharge Of Obligations Incurred In Improving Stadium Facilities, And To Provide For Payment Of The Loan.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Walterboro Stadium Authority, Colleton County, may borrow money.—The Walterboro Stadium Authority in Colleton County is hereby authorized to borrow from a lending agency doing business in the county funds not to exceed four thousand dollars, to be used to discharge obligations incurred in improving the stadium facilities, the payment of which may be secured by a mortgage on the property and the pledge of money obtained from the rentals of the stadium.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 24th day of March, 1966.

(R920, S597)

No. 1251

An Act To Provide For The Addition To And Construction Of A Road In The State Highway System In Colleton County And To Provide For The Payment Thereof.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Construction of road in Colleton County.—The South Carolina State Highway Department is hereby authorized to add to the State Highway System and to construct a road in Colleton County as follows :

A road commencing on U. S. Highway 15 about three and one-half miles east of Walterboro and extending south to State Highway 21.

SECTION 2. Cost.—Cost of constructing the road provided for in this act shall be charged to the Federal Aid Secondary Highway Funds accruing to Colleton County.

SECTION 3. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 29th day of March, 1966.

(R1336, H2663)

No. 1252

An Act To Provide For The Levy Of Taxes For County And School Purposes For Colleton County For The Year Beginning January 1, 1966, And The Expenditure Thereof During The Fiscal Year July 1, 1966, To June 30, 1967, And Pertaining To The Fiscal Affairs Of The County.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. A tax sufficient to pay appropriations hereinafter made for the fiscal year 1966-1967 is hereby levied upon all the taxable property in Colleton County for county and school purposes for the calendar year commencing January 1, 1966, for the amounts and purposes hereinafter set forth.

Item 1. (a) Roads, bridges, convicts' maintenance, gang, equipment and material, purchase of concrete pipe, repairs, parts, tires and machinery, and including salary increases for road employees	\$ 82,500.00
(b) Repairs and maintenance on public landings	1,250.00
Total, Item 1	\$ 83,750.00
Item 2. Salaries, mileage and expenses:	
(a) Clerk of Court	\$ 6,500.00
Deputy Clerk of Court	3,725.60
Clerical assistance	3,396.15
Payments on duplicating machine	616.68
	14,238.43
(b) Sheriff	6,750.00
Deputies, three at \$4,800.00 each	14,400.00
Clerk to Sheriff or additional Deputy	3,396.15
Process Server	2,500.00
Gasoline, oil and maintenance	4,500.00
Maintenance of said automobile shall be under the direction of the County Supervisor.	
Radio maintenance and service at jail	400.00
Maintenance and operation of county boat...	350.00
Maintenance and utilities at sub-station	150.00

Janitorial Service—ETV School	180.00
Uniforms	400.00
Sheriff's expense account	300.00
	<hr/>
	33,326.15
(c) Treasurer (county's portion)	3,742.58
Clerk to Treasurer	3,396.15
Extra clerical help for Treasurer	3,396.15
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	10,534.88
(d) Auditor, salary and travel (county's part) ...	3,742.58
Clerk to Auditor	3,396.15
Extra clerical help to Auditor	3,257.10
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	10,395.83
(e) Delinquent Tax Collector, salary	3,093.00
Delinquent Tax Collector, travel	1,800.00
Clerk to Delinquent Tax Collector	2,909.49
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	7,802.49
<i>Provided</i> , the Delinquent Tax Collector shall also receive one dollar for each tax execution collected by him, payable by the County Treasurer from tax execution costs collected by the Delinquent Tax Collector.	
(f) Coroner	1,654.98
Travel	600.00
	<hr/>
	2,254.98
(g) Supervisor	6,500.00
Expenses of Supervisor for travel	1,200.00
Contingent fund	2,000.00
Four County Administrators at \$1,200.00 each, annually, payable monthly	4,800.00
Travel for four County Administrators	1,200.00
For Clerk to Supervisor	3,396.15
Extra Clerk, as needed, on a per diem basis but not to exceed	1,980.00
	<hr/>
	21,076.15

(h) Attorney for county	1,070.58
Expenses for travel and reciprocal nonsupport cases	300.00
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	1,370.58
(i) Judge of Probate	5,000.00
Deputy Judge of Probate or Clerk	3,725.60
For use of Probate Judge in child placing work to give temporary relief pending children being permanently placed, to be disbursed on his claims	300.00
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	9,025.60
(j) Magistrates, seven at \$600.00 each	4,200.00
Expense accounts to be paid in four equal quarterly installments, seven at \$180.00 each.	1,260.00
One at Walterboro	2,881.33
One at Green Pond	1,070.58
Expense account to be paid in four equal quarterly installments of \$36.00	144.00
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	9,555.91
(k) Constables, five at \$450.88	2,254.40
One at Walterboro	1,427.58
Extra clerical help and mileage	1,427.58
One at Warren Township	743.54
One at Canadys	612.67
One at Sheridan and Glover Townships	612.67
Expenses for Constables for conveying prisoners and serving subpoenas by the most practicable routes of travel at the rate of seven cents per mile each way, and no constructive mileage to be charged	375.00
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	7,453.44

Provided, that Constables shall receive for service of civil process from the party instituting an action mileage charges at the rate of seven cents per mile, which charges shall be retained by Constable and shall be collected by

the Constable prior to service of process. *Provided*, further, that in no event shall the mileage charges be less than twenty-five cents.

(1) County Boards:

Board of Tax Appeals	1,000.00
Board of Registration	1,577.72
Development Board	7,500.00
Commission on Higher Education	1,000.00

11,077.72

(m) Janitors for all public buildings including library, to be employed, work assigned and salaries fixed by County Supervisor	6,344.00
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6,344.00

Total, Item 2 \$144,456.16

Item 3. Jail expenses, including all maintenance, lights, water, fuel, etc.	4,000.00
Jailor, extra compensation to be paid in monthly installments, see mandatory proviso below	860.00

Provided, the jailor may make contracts with municipalities in Colleton County to diet prisoners. *Provided*, further, that municipalities making such contracts must pay 25c per day per prisoner to the County Supervisor for County General Fund purposes for jail building maintenance, said sums to be accounted quarterly.

Dieting prisoners, \$1.00 per day, per prisoner, but not to exceed	5,500.00
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Total, Item 3 \$ 10,360.00

Item 4. Court expenses, jurors and witnesses	\$ 6,000.00
Civil and Criminal Court, Judge's salary	4,268.07
Court Reporter, upon Court Order	648.90
<i>Provided</i> , Grand and Petit Jurors and Bailiffs shall be paid five dollars per day for every day	

in attendance upon court and mileage as provided by law.

Total, Item 4	\$ 10,916.97
Item 5. Emergency Assistance Fund, to be expended by County Department of Public Welfare under rules and regulations made by the County Board of Public Welfare	\$ 4,000.00
To be paid by Supervisor as needed by proper voucher of Department of Public Welfare.	
Telephone, Department of Public Welfare	1,400.00
<i>Provided</i> , not exceeding fifty dollars shall be paid for each pauper funeral.	
Total, Item 5	\$ 5,400.00
Item 6. Post Mortems, inquests and lunancies	\$ 1,100.00
Total, Item 6	\$ 1,100.00
Item 7. Bond premiums for public officials	\$ 1,500.00
Total, Item 7	\$ 1,500.00
Item 8. Public buildings, including water, fuel, lights and insurance	\$ 10,000.00
For caretaker for courthouse and jail grounds ..	152.46
<i>Provided</i> , the Supervisor shall furnish fertilizer and labor for maintaining shrubbery and flowers.	
<i>Provided</i> , further, that the Supervisor may use the rents to be collected for the use of public buildings to supplement the funds herein appropriated for public buildings.	
Maintenance man	3,212.05
Total, Item 8	\$ 13,364.51
Item 9. (a) Printing, postage, books, stationery, including Magistrates' blanks, upon proper voucher ..	\$ 9,400.00
(b) Publication of Supervisor's reports	75.00
The Delinquent Tax Collector shall add to the cost of each tax sale the cost of publication and collect the same from each tax sale for the General Fund of the county.	
Total, Item 9	\$ 9,475.00

Item 10. Health:

(a) County Health Department (including rabies control \$500.00), but not including Health Officer's salary	\$ 19,216.00
<i>Provided</i> , the above amount shall be expended under a budget prepared by the Health Department and approved by the Delegation, and shall be paid in twelve equal monthly installments upon voucher of County Health Department.	
(b) For T. B. Work	500.00
Total, Item 10	\$ 19,716.00

Item 11. Club work and Demonstration expenses:

(a) Boys' 4-H Club activities, including camp and supplies for County Agent's office	\$ 450.00
(b) Women's and girls' short courses, Winthrop trip and prizes for women	450.00
(c) Miscellaneous for Home Demonstration Agent's office	150.00
(d) Supplement, Farm Agent's salary	720.00
(e) Supplement, Assistant Farm Agent's salary ...	330.00
(f) Supplement, Farm Agent's stenographer, salary	448.00
(g) Supplement, Home Agent's stenographer, salary	218.00
(h) Supplement, Home Demonstration Agent's salary	300.00
(i) Supplement, Associate County Agent's salary ..	240.00
(j) Future Farmers of America	50.00
(k) For prizes, Livestock Show at Walterboro, to be expended by Colleton County FFA Federation	500.00
(l) 4-H Livestock Shows	500.00
(m) Part Salary, Associate Home Agent	938.00
(n) Telephone for extension service	244.20
Total, Item 11	\$ 5,538.20

Item 12. Workmen's Compensation, Retirement and Social Security:

(a) Workmen's Compensation Insurance	\$ 4,600.00
(b) Employer's portion, retirement of county employees	12,000.00

(c) Employer's portion, Social Security on county employees		9,500.00
Total, Item 12		\$ 26,100.00
Item 13. Tax Refunds:		
W. C. Padgett	\$	11.91
Isaac Garriss		8.01
A. S. & Rosalie L. McMillan		269.28
David Aiken		3.00
W. H. Varn, Jr.		91.20
Grady Hutto		58.20
Boyd Middleton		16.96
Mary M. Fender		11.52
Leo Gooden		1.00
Mrs. Anne Seigler		36.36
Total, Item 13		\$ 507.44
Item 14. Colleton County Memorial Library:		
Chief Librarian—Morley	\$	5,040.00
Bookmobile Librarian—Smith		3,249.50
Assistant Librarian—Beach		2,920.05
Assistant Librarian—Williams		2,920.05
Part time Assistant—Fraser		1,624.75
Junior Intern		250.00
Bookmobile Expenses		750.00
Books		4,000.00
Supplies		500.00
Conference and Travel		100.00
		\$ 21,354.35
Less Expected Revenue:		
Town of Walterboro	\$	900.00
State of South Carolina		1,500.00
		2,400.00
Total, Item 14		\$ 18,954.35
Item 15. Miscellaneous:		
(a) County Civil Defense, to be expended upon voucher of Chairman, Colleton County Civil Defense		
Defense	\$	300.00

(b) Annual Audit	1,500.00
(c) Company Maintenance Fund, National Guard Unit	1,000.00
(d) Historical Society	500.00
(e) Bookmobile payment	2,016.00
(f) Coastal Mental Health Commission—County's portion	7,300.00
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Total, Item 15	\$ 12,616.00

Item 16. Schools:

County's portion of support of public schools ..	\$642,000.00
County's teachers' supplement shall be 20% of the 1965-1966 State Aid Schedule.	
Less estimated State, Federal and miscellaneous aid	211,633.00
Less additional State aid	41,000.00
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Net appropriations to be raised by property tax for schools	\$389,367.00
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GRAND TOTAL \$753,121.63

Less estimated revenue, other than from property taxes:

Gasoline tax	\$110,000.00
Commutation road tax	5,000.00
Fines, licenses, fees	56,500.00
State Insurance tax	20,000.00
Receipts from beer, wine and alcoholic beverages ..	46,500.00
Bank tax	1,500.00
Portion of income tax from State	77,000.00
Transfer of delinquent taxes	25,000.00
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Total estimated revenue \$341,500.00

Amount to be raised by property taxation for general purposes and schools \$411,621.63

SECTION 2. The county treasurer is hereby authorized and directed to pay out of the Special Reserve Fund, upon proper voucher, the following items:

Payment on machinery note	\$ 15,000.00
Payment on county note—Due May 11, 1967 ..	7,500.00
Purchase Vaper Jet Cleaner	427.45
Purchase two cars—Sheriff's office	2,800.00
(One old car to be used by process server and the other to be sold and applied to purchase of new car)	
Purchase calculator—Supervisor	721.00
Purchase Letters Dismissory Book—Probate Court	98.00
Purchase filing cabinet—Probate Court	160.00
Paint for Welfare Department building	400.00
Radio Equipment—Sheriff's cars	1,000.00
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\$ 28,106.45	

SECTION 3. The county treasurer, after applying all current cash revenues, is hereby authorized and empowered to pay from the special reserve or surplus fund any items of the appropriations made in Section 1 hereof which may be expended before the collection of taxes for the year 1966 and before other current revenues shall accrue in sufficient amount to pay such appropriations; but the county treasurer, when taxes are collected and current revenues are received sufficient for such purposes, shall reimburse the special reserve or surplus fund for any monies expended therefrom for the purpose of paying such appropriations.

SECTION 4. The county auditor shall determine the amount of tax levy necessary to pay the appropriations hereinabove made and for debt services and shall use same in preparing the tax books for Colleton County.

All provisions of law requiring monies derived from the collection of delinquent taxes to be paid into the Special Reserve Fund of the county are hereby suspended insofar as they relate to the funds to be derived from the collection of delinquent taxes for the tax year of 1965, and the county treasurer shall apply to the appropriations provided for in this act all delinquent taxes to be collected for the tax year 1965 as they are received by the county treasurer. This provision shall apply only to the delinquent taxes for the year 1965 and hereafter all provisions of law pertaining to the disposition of monies obtained from the collection of delinquent taxes shall apply.

SECTION 5. If any of the items, or portions thereof, for which funds are herein appropriated should be assumed by the State and appropriations therefor be made by the State, or if the same shall become available in any other manner, then the amounts for such purposes herein appropriated shall be paid to the special reserve fund in the amount herein appropriated if the State appropriations or other available funds be sufficient for that amount, and, if the State appropriations or other available funds should not be sufficient, then only so much of the funds herein appropriated as may be necessary shall be used with the balance to be paid to the special reserve fund.

SECTION 6. All funds received by the county from whatever source realized above the amount necessary to pay the appropriation hereinabove made, all unused amounts of appropriations for previous fiscal years and the proceeds of all delinquent tax collections for prior years not otherwise pledged shall be transferred by the treasurer to the special reserve fund as now provided by law.

SECTION 7. The county supervisor is authorized and directed to call to his assistance in maintaining the courthouse and other public grounds the Campbell Ashley Garden Club, and to furnish plants, fertilizer and labor for the beautification of the grounds.

SECTION 8. The county superintendent of education shall, no later than the first day of August of each year, furnish to the county treasurer and to members of the county legislative delegation an itemized statement of receipts and disbursements, including salaries and all purchases, made by the county department of education, including the two areas of administration for the previous fiscal year; and he also, on or before the first day of February of each year, shall furnish to said parties a like statement for the first six months of the then current fiscal year.

SECTION 9. The county treasurer shall retain to the credit of the general funds all fine monies received, except the amount necessary to pay the county's (employer's) portion for the county peace officers to be members of the South Carolina retirement system.

SECTION 10. The county supervisor is hereby authorized to grant up to ten days' annual leave with pay to county employees and up to ten days' annual sick leave with pay, provided the employee is under a doctor's care, such sick leave to be cumulative but not to exceed a total of twenty days.

SECTION 11. The Treasurer and Supervisor of Colleton County are authorized to borrow for county purposes not exceeding sixty-five thousand dollars, or so much as may be necessary, which sum shall be borrowed from any source. The amount borrowed shall be evidenced by a note executed by the treasurer and supervisor of the county. The note shall bear interest at a rate not to exceed four and three-fourths per cent per annum and shall be payable in two equal, annual, successive installments, with the first installment to be payable two years from the date of the note. The borrower reserves the right to anticipate the payment of part or all of this loan on any annual installment date.

For the payment of the note, the Auditor of Colleton County shall levy and the treasurer shall collect an annual tax on all of the taxable property of the county sufficient to retire the loan and interest due thereon, and when the loan, together with all interest, has been fully paid the levy provided herein shall be terminated.

The full faith, credit and taxing power of the county are hereby irrevocably pledged to the payment of the indebtedness provided for in this act.

SECTION 12. This act shall take effect upon approval by the Governor.

Approved the 13th day of June, 1966.

(R1358, H2561)

No. 1253

An Act To Appropriate A Sum Of Money For Educational Purposes In Darlington County For The Fiscal Year 1966-67; To Provide For The Expenditure Of The Sum And Other Funds; To Provide For The Levy Of A Tax Sufficient To Pay The Sum Appropriated Herein; To Require The Submission Of A Budget By The Board Of Trustees Of Darlington County School District; And To Provide A Supplement Income.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. The sum of fifty-one thousand eighty-two dollars and eighty-four cents is hereby appropriated from the general fund of Darlington County for educational purposes for the county fiscal year 1966-67.

The sum shall be expended for the following purposes:

Item 1. Travel expenses, County Superintendent of Education	\$ 770.00
Item 2. Bookkeeper & Secretary	4,510.00
Item 3. Stenographer	3,960.00
Item 4. Stenographer	3,960.00
Item 5. Stenographer	3,960.00
Item 6. Office Supplies, Equipment & Telephone (Phone for Delegation included)	3,300.00
Item 7. Travel for Supervisor of Attendance	902.00
Item 8. Salary, Superintendent of Education	7,363.84
Item 9. Board of Education, 7 members @ \$27.50 each per month	2,310.00
Item 10. Board of Trustees, 9 members @ \$198.00 each per year and 1 Secretary \$275.00 per year, Stamps, etc. \$110.00	2,167.00
Item 11. School Lunch Office—Trucking produce	3,300.00
School Lunch Secretary	1,980.00
Item 12. Audit (County Books)	6,600.00
Item 13. To be given to Lamar Area Schools to pay debts created by the athletic departments of the various Lamar Area Schools	6,000.00
Total	\$ 51,082.84

The auditor shall levy, and the treasurer shall collect, a tax on all taxable property of the county sufficient to pay the appropriation provided for herein.

SECTION 2. The Board of Trustees of Darlington County School District shall, before July of 1966, file with the county board of education a proposed budget for each school in the county for the 1966-67 fiscal year. The budget shall itemize proposed expenditures and propose the necessary current levy to cover these expenditures. The county board of education shall examine all budgets and its approval shall constitute the authority and direction to the county auditor to levy the tax provided for in Section 1.

SECTION 3. This act is supplementary to the general appropriations act of Darlington County which will be in effect for the 1966-67 fiscal year and the permanent school levies for Darlington County, and shall in no respect be considered as a repeal of them or any part thereof.

SECTION 4. The funds herein appropriated shall be expended by the county treasurer in the usual way, but upon request of the superintendent of education, or the chairman of the county board of education.

SECTION 5. The county board of education may supplement salaries or expenses of the superintendent or other office employees out of any funds in their hands that can legally be expended for such purposes.

SECTION 6. This act shall take effect upon approval by the Governor.

Approved the 1st day of June, 1966.

(R1371, H2286)

No. 1254

An Act Providing For The Creation Of Watershed Conservation Districts In Darlington County; Providing For The Election Of Directors Of Watershed Conservation Districts And Prescribing Their Powers And Duties; Providing For A Levy Of Taxes For The Organization And Administration Of The Districts; And Providing For The Construction, Operation And Maintenance Of Works Of Improvement Within The Districts.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Definitions.—Whenever used or referred to in this act, unless a different meaning clearly appears from the context:

(1) "Watershed conservation district" means a governmental subdivision of this State, and a public body corporate and politic, organized in accordance with the provisions of this act, for the purposes, with the powers, and subject to the restrictions hereinafter set forth.

(2) "Director" means one of the members of the governing body of a watershed conservation district, elected in accordance with the provisions of this act.

(3) "Supervisor" means one of the members of the Governing Body of the Darlington Soil Conservation District in which any part of a watershed conservation district is situated.

(4) "Petition" means a petition filed under the provisions of Section 4 of this act for the creation of a watershed conservation district.

(5) "County" means Darlington County of South Carolina.

(6) "Landowner" or "owner of land" includes any person, firm or corporation who shall hold legal or equitable title to any lands lying within a watershed conservation district organized under the provisions of this act.

(7) "Due notice" means notice published at least twice, with an interval of at least one week between the two publication dates, in a publication of general circulation within the appropriate area, or, if no such publication of general circulation be available, notice posted at a reasonable number of conspicuous places within the appropriate area, such posting to include, where possible, posting at public places where it is customary to post notices concerning county or municipal affairs generally.

SECTION 2. Watershed conservation districts may be formed in Darlington County.—Authority is hereby granted to form watershed conservation districts within Darlington County for the purpose of developing and executing plans and programs relating to any phase of the control and prevention of soil erosion, flood prevention, or the conservation, development, utilization and disposal of water.

SECTION 3. Area.—The area embraced in a watershed conservation district must be contiguous and must lie within a well-defined watershed; and such area shall not include lands located within the boundary of any incorporated city or town, or lands embraced in another watershed conservation district.

SECTION 4. Petition for formation.—When twenty-five or more landowners within a proposed watershed conservation district, or, if less than fifty landowners are involved, a majority of such landowners, desire to form a watershed conservation district, they shall file a petition with the supervisors of the soil conservation district asking that a watershed conservation district be organized to function in the area described in the petition. The petition shall set forth the proposed name of the watershed conservation district; that there is need, in the interest of the public health, safety and welfare, for a watershed conservation district to function in the territory described in the petition; a description of the territory proposed to be organized as a watershed conservation district, which description need not be given by metes and bounds or by legal subdivisions, but shall be deemed sufficient if generally accurate; and the approximate number of acres of land included in the proposed watershed conservation district.

SECTION 5. Hearing on petition.—(1) Within thirty days after the petition has been filed with the supervisors of the soil conservation district, they shall cause due notice to be given of a hearing upon the question of the desirability and necessity, in the interest of the public health, safety and welfare, of the creation of a watershed conservation district. All interested parties shall have the right to attend such hearing and to be heard. If it shall appear at the hearing that other lands should be included in the petition or that lands included in the petition should be excluded, the supervisors shall permit the inclusion or exclusion, provided the land area involved still meets the requirements of Section 3 of this act.

(2) If it appears upon the hearing that it may be desirable to include within the proposed watershed conservation district territory outside of the area within which due notice of the hearing has been given, the hearing shall be adjourned and due notice of a further hearing shall be given throughout the entire area considered for inclusion in the proposed watershed conservation district, and a further hearing shall be held. After final hearing, if the supervisors of the soil conservation district determine, upon the facts presented at the hearing and upon other available information, that there is need, in the interest of the public health, safety and welfare, for a watershed conservation district to function in the territory considered at the hearing, they shall make and record such determination, and shall define the area, but the description need not be given by metes and bounds. The description shall be deemed sufficient if generally accurate and the approximate number of acres of land included in the proposed watershed conservation district is shown.

(3) If the supervisors of the soil conservation district determine after a hearing that there is no need for a watershed conservation district to function in the territory considered at the hearing, they shall make and record the determination and shall deny the petition.

SECTION 6. Referendum.—After the supervisors of the soil conservation district have made and recorded a determination that there is a need, in the interest of public health, safety and welfare, for a watershed conservation district to function in the territory considered at the hearing, and have defined the boundaries thereof, they shall consider the question whether the operation of a watershed conservation district within the proposed boundaries with the powers conferred upon it by this act is administratively practicable and feasible. To assist the supervisors in making this determination, they shall, within

a reasonable time after the entry of a finding that there is need for the organization of a watershed conservation district and determination of the boundaries thereof, hold a referendum within the proposed watershed conservation district upon the proposition of the creation of the watershed conservation district. Due notice of the referendum shall be given by the supervisors. The notice shall state the date of holding the referendum, the hours of opening and closing the polls, and shall designate one or more places within the proposed watershed conservation district as polling places and shall give notice that the directors shall have the power of eminent domain. The supervisors shall have full charge of the referendum and shall have suitable ballots printed and furnished to each polling place; appoint necessary box managers and other referendum officials, and shall canvass the referendum and announce the results. The cost of holding the referendum shall be paid from the General Fund of Darlington County.

SECTION 7. Question.—The question to be voted on shall be submitted by ballots upon which appear the words:

“For creation of _____ Watershed Conservation District”

“Against creation of _____ Watershed Conservation District”

A square shall follow each proposition. The ballot shall contain a direction to insert an “X” mark in the square following one or the other of the propositions as the voter may favor or oppose creation of the watershed conservation district. The ballot shall set forth the boundaries of the proposed watershed conservation district as determined by the supervisors of the soil conservation district. No one except owners of lands lying within the boundaries of the proposed watershed conservation district, as determined by the supervisors of the soil conservation district, shall be eligible to vote in the referendum. Qualified voters may vote by absentee ballot in the referendum under such rules and regulations as may be prescribed by the supervisors. No informalities in the conduct of the referendum or in any matters relating thereto shall invalidate the referendum or the result thereof if notice of the referendum shall have been given substantially as herein provided and the referendum shall have been fairly conducted.

SECTION 8. Results—district to be created if results and determination favorable.—The votes shall be counted by the referendum officials at the close of the polls and a report of the results, along with the ballots, shall be delivered and certified to the supervisors of the soil conservation district; and thereafter the supervisors shall de-

termine whether the operation of the watershed conservation district within the defined boundaries is administratively practicable and feasible. If the supervisors determine that the operation of the district is not administratively practicable and feasible, they shall record such determination and deny the petition. If the supervisors determine that the operation of the district is administratively practicable and feasible, they shall record the determination and shall proceed with the organization of the district in the manner hereinafter set forth; *provided*, however, that the supervisors shall not have authority to determine that the operation of the district is administratively practicable and feasible unless at least a majority of the votes cast in the referendum upon the proposition of the creation of the district shall have been cast in favor of the creation of the district. If the supervisors shall determine that the operation of the district is administratively practicable and feasible, they shall certify the determination to the Clerk of Court of Darlington County and to the Secretary of State. Upon proper recordation of the determination, the watershed conservation district shall constitute a governmental subdivision of this State and a public body corporate and politic. After being recorded, the certification shall be filed with the State Soil Conservation Committee.

SECTION 9. Board of directors to govern district—nominating petitions—election—ballots—terms—officers—bond of treasurer.

—(1) The governing body of the watershed conservation district shall consist of five directors, elected as provided herein.

(2) Within thirty days after a watershed conservation district has been created, nominating petitions may be filed with the supervisors of the soil conservation district to nominate candidates for directors of the watershed conservation district. No nominating petition shall be accepted by the supervisors unless it is signed by twenty-five or more landowners within the watershed conservation district, or, if less than fifty landowners are involved, by a majority of the landowners. If the candidates nominated do not exceed the number of directors to be chosen, the supervisors shall declare them to be elected. No person shall be eligible to be a director of a watershed conservation district who is not a landowner in the watershed conservation district in which he seeks election.

(3) If the candidates nominated for directors of the watershed conservation district exceed the number of directors to be chosen, the supervisors of the soil conservation district shall, after having given

due notice thereof, cause an election to be held within the watershed conservation district within a reasonable time after the expiration of the nominating period. The provisions of Sections 5, 6, and 7 of this act as to notice, qualifications of voters, absentee voting, and the manner of holding the referendum in organizing a watershed conservation district, shall apply insofar as practicable to the election of the directors. The names of all qualified nominees shall be printed in alphabetical order upon ballots with a square before each name and a direction to insert an "X" mark in the square before any five names to indicate the voter's preference. Only landowners within the watershed conservation district shall be eligible to vote in the election. The five candidates who shall receive the largest number respectively of the votes cast in the election shall be the directors of the watershed conservation district, and shall, upon the supervision of the supervisors of the soil conservation district, be the governing body of the watershed conservation district.

(4) Of the directors first elected, the two receiving the largest number of votes shall serve for terms of four years, the two receiving the next largest number of votes shall serve for terms of three years, and the one receiving the next largest number of votes shall serve for a term of two years. The term of office of each of their successors shall be for four years.

(5) The directors shall annually designate from among their number a chairman, secretary and treasurer. The treasurer shall execute an official bond for the faithful performance of the duties of his office, to be approved by the directors. The bond shall be executed by a surety company authorized to do business in this State and shall be in an amount determined by the directors. The premium on each bond shall be paid by the watershed conservation district.

SECTION 10. District to be corporate body—powers and duties.

—A watershed conservation district organized under the provisions of this act shall constitute a governmental subdivision of this State, and a public body corporate and politic, exercising public powers, and the district and the directors thereof shall, subject to the approval of the supervisors of the soil conservation district, have the following powers, in addition to the others granted in other sections of this act:

(1) To acquire, by purchase, exchange, lease, gift, grant, bequest, devise, or otherwise, or through condemnation proceedings in the manner provided in Sections 25-101 through 25-140 and Sections 33-121 through 33-148 of the 1962 Code, such lands, easements, or

rights-of-way as are needed to carry out any authorized purpose of the watershed conservation district; and to sell, lease, or otherwise dispose of any of its property or interests therein in furtherance of the purposes and provisions of this act;

(2) To construct, reconstruct, repair, enlarge, improve, operate, and maintain such works of improvement as may be necessary or convenient for the performance of any of the operations authorized by this act;

(3) To borrow money and to execute promissory notes and other evidences of debt in connection therewith for payment of the costs and expenses of organizing the watershed conservation district or for carrying out any authorized purpose of the district, and if promissory notes are issued, to execute mortgages on any property owned by the district, or assign or pledge the revenues or assessments of the district as may be required by the lender as security for the repayment of the loan; and to issue, negotiate, and sell its bonds as provided in Section 11 of this act;

(4) To levy an annual tax on the real property within the district subject to the limitations provided in Section 13 of this act for payment of the costs and expenses of organizing the watershed conservation district or for carrying out any authorized purpose of the district. The levy shall be made only after approval by the supervisors of the soil conservation district and upon notifying the county auditor.

SECTION 11. Bonds not to be issued unless referendum held.—

(1) Bonds authorized by Section 10 of this act shall not be issued until proposed by order or resolution of the directors of the watershed conservation district, specifying the purpose for which the funds are to be used and the proposed undertaking, the amount of any bonds to be issued, the rate of interest they are to bear, and the amount of any necessary tax levy in excess of the maximum authorized in Section 13 of this act. A copy of the order or resolution shall be certified to the supervisors of the soil conservation district.

(2) The supervisors shall hold a hearing on the proposal after having given due notice. If it appears that the proposal is within the scope and purpose of this act and meets all other requirements of the law, the proposal shall be submitted to the landowners of the district by a referendum held by the supervisors.

(3) The provisions of Sections 5, 6 and 7 of this act as to notice, qualifications of voters, absentee voting, and manner of holding the referendum in organizing a watershed conservation district shall apply to the referendum held under this section.

(4) If two-thirds of the votes cast in the referendum favor the proposal, the directors shall, with the approval of the supervisors, be authorized to issue the bonds.

SECTION 12. Compensation.—The directors of the watershed conservation district shall receive no compensation for their services, but they may be reimbursed for expenses, including traveling expenses, necessarily incurred in the performance of the duties as approved by the supervisors of the soil conservation district.

SECTION 13. Budget—tax levy.—Within the first quarter of each calendar year, the directors of the watershed conservation district shall prepare an itemized budget of the funds needed for administration of the watershed conservation district and for construction, operation and maintenance of works of improvement. After approval of the budget by the supervisors of the soil conservation district, the county auditor shall levy a tax sufficient to meet such budget on all real property within the watershed conservation district of not to exceed five mills on each dollar of assessed valuation, except that this limitation shall not apply to any levy necessary to provide a sinking fund for the retirement of bonds authorized by Section 11 of this act. A copy of the budget shall be certified to the Auditor of Darlington County.

SECTION 14. List of landowners and acres subject to assessment.—(1) The directors of the watershed conservation district, with the assistance of the county auditor, shall prepare a list of the landowners involved, showing the number of acres subject to assessment.

(2) When the property tax rolls are delivered to the county treasurer by the county auditor, as required by law, the county treasurer shall compute the tax due the watershed conservation district from each landowner in accordance with the rate fixed by the directors and the value of the real property indicated on the tax roll. The computation shall be made on the regular tax bills.

SECTION 15. Collection of taxes.—(1) The county treasurer shall collect the taxes due the watershed conservation district at the same time and in the same manner as he collects other taxes of the county.

(2) The taxes shall be subject to the same due and delinquency dates, discounts, penalties and interests as are applied to the collection of county taxes.

SECTION 16. Expenditures.—Tax funds collected shall be transferred to and held by the treasurer of the watershed conservation dis-

trict for the specific purpose for which they have been collected. All expenditures of the funds shall be made by the directors of the watershed conservation district with the approval of the supervisors of the soil conservation district.

SECTION 17. Petition to have lands detached.—The owners of lands which have not been, are not and cannot be benefited by their inclusion in the watershed conservation district may petition the supervisors of the soil conservation district to have such lands detached. The petition shall describe the lands and state the reasons why they should be detached. A hearing shall be held by the supervisors within thirty days after the petition is filed and due notice of such hearing shall be given by the supervisors. If it is determined by the supervisors that the lands shall be detached, the determination shall be certified to the Auditor of Darlington County for recording. After being recorded, the certification shall be filed with the State Soil Conservation Committee.

SECTION 18. Petition for discontinuance of district—hearing—referendum—discontinuance if election and determination favorable.—(1) At any time after five years after the organization of a watershed conservation district, twenty-five or more landowners within the district, or, if less than fifty landowners are involved, a majority of the landowners, may file a petition with the supervisors of the soil conservation district asking that the existence of the watershed conservation district be discontinued. The petition shall state the reasons for discontinuance, and that all obligations of the watershed conservation district have been met. The supervisors may conduct the hearings upon the petition as may be necessary to assist them in the consideration.

(2) Within sixty days after the petition has been filed with the supervisors they shall give due notice of the holding of a referendum. The supervisors shall hold the referendum substantially as provided for in Section 11 of this act. The question shall be submitted by ballots upon which the words "For terminating the existence of the _____ Watershed Conservation District," and "Against terminating the existence of the _____ Watershed Conservation District" shall be printed, with a square before each proposition and a direction to insert an "X" mark in the square before one or the other of the propositions as the voter may favor or oppose the discontinuance of the watershed conservation district. Only landowners within the watershed conservation district shall be eligible

to vote in such referendum. No informality in the conduct of the referendum or in any matters relating thereto shall invalidate the referendum or the results thereof if notice of the referendum shall have been given substantially as herein provided and the referendum shall have been fairly conducted.

(3) The supervisors shall publish the results of the referendum and shall thereafter determine whether the continued operation of the watershed conservation district is administratively practicable and feasible. If the supervisors determine that the continued operation of the watershed conservation district is administratively practicable and feasible, they shall record the determination and deny the petition. If the supervisors determine that the continued operation of the watershed conservation district is not administratively practicable and feasible, they shall record the determination and shall certify the determination to the directors of the watershed conservation district; *provided*, however, that the supervisors shall not be authorized to determine that the continued operation of the watershed conservation district is administratively practicable and feasible unless at least a majority of the votes cast in the referendum shall have been cast in favor of the continuance of the watershed conservation district.

(4) Upon receipt from the supervisors of a certification that they have determined that the continued operation of the watershed conservation district is not administratively practicable and feasible, the directors shall proceed to terminate the affairs of the watershed conservation district. A copy of the determination shall be certified to the Auditor of Darlington County for recording. After being recorded, the certification shall be filed with the State Soil Conservation Committee.

SECTION 19. Supervisory authority if district discontinued.—

If the Darlington Soil Conservation District is discontinued, all supervisory authority over the affairs of the watershed conservation district which was previously exercised by the supervisors shall thereafter be exercised by the Governing Body of Darlington County.

SECTION 20. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 13th day of June, 1966.

(R1372, H2638)

No. 1255

An Act To Authorize The County Treasurer Of Darlington County To Issue Not Exceeding Two Hundred Seventy-Five Thousand Dollars Of General Obligation Bonds Of Darlington County; To Prescribe The Purposes For Which The Bonds Shall Be Issued And To Make Provision For The Payment Of The Bonds.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Findings of General Assembly.—The General Assembly finds that additional funds are urgently needed to defray the cost of constructing and equipping extensions and improvements to the technical education facilities established and operated by the Area Committee for Technical Education Center for Florence and Darlington Counties (the Area Committee) created by Act No. 67 of 1963 and confirmed by Act No. 225 of 1963. These funds shall be provided by each of the two counties involved and Darlington County's share shall not exceed two hundred seventy-five thousand dollars. The purpose of such an expenditure is educational and therefore one for which counties are authorized to issue bonds pursuant to Section 6 of Article X of the Constitution of South Carolina.

SECTION 2. Darlington County may issue bonds.—In order to provide funds to be expended by the Area Committee for the construction and equipping of the extensions and improvements set out in Section 1, the Treasurer of Darlington County is hereby authorized and empowered to issue and sell general obligation bonds of Darlington County in an aggregate principal amount not exceeding two hundred seventy-five thousand dollars, or such lesser amount as shall be within the applicable constitutional debt limit at the time of issuance.

SECTION 3. Issue.—The bonds authorized by this act may be issued as a single issue, or from time to time as several separate issues.

SECTION 4. Maturity.—The bonds shall mature in such annual series or installments as the treasurer shall provide for, except that the last maturing bonds shall mature not later than twenty years from the date as of which the bonds shall be issued.

SECTION 5. Redemption.—The bonds issued pursuant to this act may be issued with a provision for their redemption prior to their stated maturity at par and accrued interest, plus such redemption

premium as may be prescribed by the treasurer, but no bond shall be redeemable before maturity unless it contains a statement to that effect. If bonds are made subject to redemption, provision shall be made in the proceedings authorizing the issuance of the bonds, specifying the manner of call and the notice thereof that must be given.

SECTION 6. Form.—The bonds shall be in the form of negotiable coupon bonds, payable to bearer, but may be issued with the privilege to any holder of having them registered as to principal on the books of the Treasurer of Darlington County, upon such conditions as the Treasurer may prescribe. Except when so registered, all bonds issued pursuant to this act shall have all attributes of negotiable instruments under the law merchant and the negotiable instruments law.

SECTION 7. Where payable.—The bonds issued pursuant to this act shall be made payable at such places, within or without the State, as the Treasurer and buyer shall agree.

SECTION 8. Interest.—Bonds issued pursuant to this act shall bear interest at rates determined by the treasurer.

SECTION 9. Execution.—The bonds, and the coupons to be thereunto attached, shall be executed in such manner as the treasurer shall prescribe.

SECTION 10. Sale.—Bonds issued pursuant to this act shall be sold at a price of not less than par and accrued interest to the date of their respective deliveries. They shall be sold after public advertisement of their sale in a newspaper of general circulation in South Carolina. The published notice shall appear not less than ten days prior to the occasion set for opening bids.

SECTION 11. Payment.—For the payment of the principal and interest of all bonds issued pursuant to this act, as they respectively mature, and for the creation of such sinking fund as may be necessary therefor, the full faith, credit and taxing power of Darlington County shall be irrevocably pledged, and there shall be levied annually by the Auditor of Darlington County, and collected by the Treasurer of Darlington County, in the same manner as county taxes are levied and collected, a tax without limit, on all taxable property in Darlington County, sufficient to pay the principal and interest of such bonds as they respectively mature, and to create such sinking fund as may be necessary therefor.

SECTION 12. Exempt from taxes.—The principal and interest of bonds issued pursuant to this act shall have the tax exempt status prescribed by Section 65-4.1, Code of Laws of South Carolina, 1962.

SECTION 13. Proceeds.—The proceeds derived from the sale of any bonds issued pursuant to this act shall be paid to the Treasurer of Darlington County, and shall be deposited in a Bond Account Fund, and shall be expended and made use of as follows:

(a) Any accrued interest shall be applied to the payment of the first installment of interest to become due on such bonds.

(b) Any premium shall be applied to the payment of the first installment of principal of such bonds.

(c) The remaining proceeds shall be expended on the warrant of the Area Committee to defray the cost of issuing the bonds authorized hereby, and to pay for Darlington County's share of the costs incurred in the construction and equipping of extensions and improvements of the sort described in Section 1 of this act.

(d) If any balance remain, it shall be held by the Treasurer of Darlington County in a special fund and used to effect the retirement of bonds authorized hereby.

SECTION 14. Powers additional.—The powers and authorizations hereby conferred upon the treasurer shall be in addition to all other powers and authorizations previously vested in the treasurer.

SECTION 15. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 13th day of June, 1966.

(R1413, H2746)

No. 1256

An Act To Provide Funds For The Darlington County Economic Opportunity Commission.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Tax levy—Darlington County.—The auditor shall levy and the treasurer shall collect a tax on all taxable property of Darlington County sufficient to pay the appropriation provided for herein.

SECTION 2. Appropriation.—The sum of fifteen thousand dollars is hereby appropriated from the General Fund of Darlington County for the county fiscal year 1966-1967 for use by the Darlington County Economic Opportunity Commission. The funds shall be expended by the county treasurer in the usual way, but upon request of the Director of the Economic Opportunity Commission.

SECTION 3. Audit.—The funds expended under the terms of this act shall be audited in the annual audit of Darlington County, and a report of their expenditures shall be made in the audit.

SECTION 4. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 8th day of June, 1966.

(R792, S492)

No. 1257

An Act To Authorize Dillon County To Borrow Not To Exceed The Sum Of One Hundred Thousand Dollars For The Purpose Of Economic Development And To Provide For The Payment Thereof.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Dillon County may borrow money.—The governing body of Dillon County is hereby authorized to borrow not to exceed the sum of one hundred thousand dollars to be used for the purpose of economic development. The debt shall be evidenced by a note signed by the chairman of the board and the treasurer of the county and shall be paid no later than March 1, 1967.

SECTION 2. Payment.—The Auditor of Dillon County shall levy and the treasurer shall collect a tax upon all the taxable property of Dillon County sufficient to pay the note with interest when due.

SECTION 3. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 18th day of February, 1966.

(R798, H2086)

No. 1258**An Act To Amend Act 581 Of 1965, Relating To The Issuance Of General Obligation Bonds Of Dillon County For School Purposes, So As To Prescribe The Method For Disposing Of The Proceeds Of Such Bonds.**

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Paragraph (d) of Section 12 of Act 581 of 1965 amended—proceeds.—Paragraph (d) of Section 12 of Act 581 of 1965 is amended by adding the following proviso at the end: "*Provided*, that if to meet any urgent need in any single school district, bonds to the extent of not exceeding two hundred thousand dollars be issued, then in such event the apportionment herein provided for need not be showed with respect to the disposition of the proceeds of such bonds; but if this procedure be followed, no further allocations to such school district shall be made until the remaining school districts have received the amounts necessary to restore the proportionate method of the allocation of funds provided for in this section." When amended paragraph (d) shall read as follows:

"(d) The remaining proceeds shall be allocated to the three school districts of Dillon County, proportionately to the nearest one thousand dollars, and on the basis that the per pupil enrollment of each school district, as of the beginning of the 1964-65 school year, bears to the total per pupil enrollment of Dillon County for such year and shall be expended, upon the warrant or order of a majority of the trustees of the respective school districts, to provide for additional public school facilities for the three school districts of Dillon County in the manner contemplated by Section 2 of this act. *Provided*, that if to meet any urgent need in any single school district, bonds to the extent of not exceeding two hundred thousand dollars be issued, then in such event the apportionment herein provided for need not be showed with respect to the disposition of the proceeds of such bonds; but if this procedure be followed, no further allocations to such school district shall be made until the remaining school districts have received the amounts necessary to restore the proportionate method of the allocation of funds provided for in this section."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 18th day of February, 1966.

(R828, H2103)

No. 1259

An Act To Authorize Dorchester County To Lend Certain Monies To The Dorchester County Water Authority.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Dorchester County may lend money to Water Authority.—The Governing Body of Dorchester County is authorized to lend not exceeding seventy-five thousand dollars to the Dorchester County Water Authority and upon approval of the governing body the county treasurer is authorized to transfer such amount from the surplus of the county sinking fund account to the water authority.

SECTION 2. Proceeds and payment.—The proceeds of the loan shall be used to carry out the purposes set forth in Act No. 588 of 1965. The loan shall be paid out of revenues derived from the water authority upon such terms and conditions as may be agreed upon by the authority and the governing body of the county.

SECTION 3. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 2nd day of March, 1966.

(R1248, H2632)

No. 1260

An Act To Provide For The Levy Of Taxes For Ordinary, School And General County Purposes For Dorchester County For The Fiscal Year Beginning July 1, 1966, And Ending June 30, 1967, And To Direct And Provide For The Expenditure Thereof; And To Otherwise Provide For The Fiscal Affairs And The Administration Of The Business Of Dorchester County.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. The following sums of money, if so much be necessary, be and the same are hereby appropriated for the purposes herein set forth for the County of Dorchester for the fiscal year beginning July 1, 1966, and ending June 30, 1967, and the Auditor of Dorchester County is hereby authorized to levy, and the Treasurer to collect, a tax upon all the taxable property in the county sufficient

to defray the same, after deducting all other available income and revenue:

Item 1. Roads and Bridges—Convicts and maintenance of road organization and equipment	\$ 70,000.00
Total, Item 1	\$ 70,000.00
Item 2. Salaries:	
Clerk's Office:	
Clerk of Court	\$ 1,890.00
Clerical Help to Clerk, (3 @ \$3,150.00 each) ..	9,450.00
Books—Book binding, supplies	5,000.00
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	\$ 16,340.00
Sheriff's Office:	
Sheriff	\$ 4,725.00
Expenses for Sheriff—travel, etc.	2,500.00
Clerical Help for Sheriff	3,150.00
Deputy Sheriffs, (5 @ \$315.00 per month each)	18,900.00
Expenses—Deputy Sheriffs (\$250.00 per month each)	15,000.00
Law Enforcement Fund (to be expended by Sheriff)	1,000.00
Deputy Sheriff and Jailer (Jailer to act as Radio Dispatcher at night)	2,100.00
Expense for Jailer	420.00
Uniforms for Deputies—5 Deputies	850.00
Service and Reports on Radios	600.00
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	\$ 49,245.00
County Treasurer's Office:	
Treasurer	\$ 1,260.00
Clerk to Treasurer	3,150.00
Extra Help	700.00
Expenses—Travel, etc.	1,800.00
Supplies	400.00
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	\$ 7,310.00
Auditor's Office:	
Auditor	\$ 1,260.00
Clerk to Auditor	3,150.00

Extra Help	1,600.00
Supplies	400.00
Expenses—Travel, etc.	600.00
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	\$ 7,010.00
Tax Collector's Office:	
Tax Collector	\$ 4,200.00
Expenses—Travel, etc., for Collector (All fees, except mileage, to be paid to the Treasurer) ..	600.00
Clerk to Tax Collector	3,150.00
Extra Help	300.00
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	\$ 8,250.00
County Attorney	\$ 1,260.00
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	\$ 1,260.00
Coroner's Office:	
Coroner	\$ 900.00
Expenses—Travel, etc.	300.00
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	\$ 1,200.00
Master in Equity's Office:	
Master in Equity	\$ 1,260.00
Clerk—Part time to Master (All fees to be retained by Master)	1,260.00
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	\$ 2,520.00
Janitors for Courthouse, Office Building, Health Clinic, etc.	
Supplies—(Soap, towels, detergents, wax, etc.)	\$ 800.00
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	\$ 6,800.00
Road Supervisor's Office:	
Road Supervisor	\$ 5,040.00
Expenses—Travel, etc.	600.00
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	\$ 5,640.00

Judge of Probate's Office:

Judge of Probate (All fees to be retained by Judge of Probate)	\$ 2,835.00
Clerk to Judge of Probate	3,150.00
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	\$ 5,985.00

Board of Directors: July 1, 1966 to January 1, 1967

Chairman, Board of Directors	\$ 1,200.00
Four Directors @ \$450.00 each	1,800.00
Clerk to Board of Directors	1,500.00
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	\$ 4,500.00

County Council—January 1, 1967 to July 1, 1967:

8 members at \$1,200.00 per year	\$ 4,800.00
1 member at \$1,800.00 per year	900.00

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	\$ 5,700.00
Clerk to Health Nurse at Summerville	\$ 2,700.00
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	\$ 2,700.00

Magistrates and Constables:

Magistrate at St. George	\$ 2,100.00
Constable at St. George	2,000.00
Magistrate at Reevesville	1,102.50
Constable at Reevesville	787.50
Magistrate at Harleyville	1,102.50
Constable at Harleyville	787.50
Magistrate at Ridgeville	1,102.50
Constable at Ridgeville	787.50
Magistrate at Summerville	2,100.00
Constable at Summerville	2,100.00
Assistant to Solicitor of First Judicial Circuit	350.00

\$ 14,320.00

Magistrate at St. George to also serve as custodian of Courthouse, Office Building, Health Center, Courthouse grounds and to purchase supplies (soap, towels, wax, etc.) for Court-

house and Office Building—at additional salary of	\$ 2,400.00
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	\$ 2,400.00
Superintendent of Education's Office:	
Superintendent—salary supplement	\$ 1,000.00
Expenses—Travel, etc.	500.00
Clerk Hire—one	3,150.00
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	\$ 4,650.00
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· Total, Item 2	\$145,830.00
Item 3. County Boards:	
A. Board of Education—Seven Members	\$ 2,100.00
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	\$ 2,100.00
B. Board of Registration—Three Members @ \$600.00 each	\$ 1,800.00
Clerk Hire to Board	1,200.00
(Members and Clerk to receive salaries from Jan. 20, 1967 to June 20, 1967)	
	<hr/>
	\$ 3,000.00
C. Board of Assessors	\$ 2,000.00
	<hr/>
	\$ 2,000.00
D. Board of Health	\$ 10,500.00
	<hr/>
	\$ 10,500.00
E. Forfeited Land Commission—Three Members	\$ 1,800.00
	<hr/>
	\$ 1,800.00
	<hr/>
Total, Item 3	\$ 19,400.00
Item 4. Dieting of Prisoners at Jail @ \$1.25 per day ..	\$ 12,000.00
Supplies for Jail	600.00
	<hr/>
	\$ 12,600.00
	<hr/>
Total, Item 4	\$ 12,600.00

Item 5.	Jurors and Witnesses	\$ 4,500.00
	<i>Provided</i> , that all jurors be paid \$5.00 per day for attendance at court, and each witness be paid \$3.00 per day for the same.	
		<hr/> \$ 4,500.00
	Total, Item 5	\$ 4,500.00
Item 6.	Charities:	
	Dorchester County Hospital	\$ 25,000.00
		<hr/> \$ 25,000.00
	Total, Item 6	\$ 25,000.00
Item 7.	Post Mortems and Lunacies	\$ 1,500.00
	Pauper Burials	500.00
		<hr/> \$ 2,000.00
	Total, Item 7	\$ 2,000.00
Item 8.	Charges for Water, Lights, Fuel, Insurance for Courthouse, Jail and County Buildings ...	\$ 8,500.00
		<hr/> \$ 8,500.00
	Total, Item 8	\$ 8,500.00
Item 9.	Printing, Postage and Stationery	\$ 5,000.00
	(This amount to be paid by Board of Directors or County Council upon claims presented for above items for all county officials.)	
		<hr/> \$ 5,000.00
	Total, Item 9	\$ 5,000.00
Item 10.	Miscellaneous:	
	A. Bond Premiums for County Officials	\$ 750.00
	B. Expenses—Probation Officer	600.00
	B-1. Expenses—School Lunch Supervisor	600.00
	B-2. Stenographer—Welfare Department, Supplement	283.00

B-3. Expenses—Visitors, Department of Public Welfare (Four)	1,060.00
B-4. Expenses—Board Members of the Department of Public Welfare	900.00
B-5. Emergency Relief	2,500.00
B-6. Telephones—Courthouse, Jail and Department of Public Welfare (including long distance messages in official capacity only)	5,000.00
B-7. Medical attention to prisoners	750.00
B-8. Expenses—Visiting Teacher	600.00
C. Rent—School Lunch Warehouse	300.00
C-1. Rent—Magistrate's Office—Harleyville	240.00
C-2. Clerk to Service Officer	1,500.00
C-3. Expense—Service Officer	600.00
C-4. County Agents—4-H Club Work	200.00
C-5. Negro Home Demonstration Agent—salary and travel	720.00
D. Negro Boys' 4-H Club Work	50.00
E. Negro Girls' 4-H Club Work	50.00
E-1. Clerk—Half-time Negro Agent and Home Demonstration Agent	630.00
F. Supplies for Negro Home Demonstration Agent	75.00
F-1. Supplies for Home Demonstration Agent	75.00
F-2. Women's Home Demonstration Work	50.00
G. Home Demonstration Agent—Salary supplement	240.00
G-1. County Agent—salary supplement	500.00
G-2. Assistant County Agent—salary supplement ..	400.00
G-3. Negro County Agent—salary supplement	400.00
H. Clerk to County and Home Demonstration Agent	1,008.00
I. Vocational Agriculture Program	850.00
J. Airports at Summerville and St. George (\$1, 200.00 each)	2,400.00
K. Dorchester County Breeders' Association	300.00
L. Harleyville-Ridgeville Public Libraries	100.00
M. Timrod Library and Library Association	2,500.00
N. Public Landings on rivers in County	1,800.00
O. National Guard Companies—maintenance @ \$1,000 each	2,000.00

O-1. Auditing of County Books	1,500.00
P. Social Security—Employees	7,000.00
P-1. Premiums—S. C. Industrial Commission ..	3,500.00
P-2. Contributions—S. C. Retirement System	8,000.00
	<hr/>
	\$ 50,031.00
	<hr/>
Total, Item 10	\$ 50,031.00
Item 11. A. Law Enforcement—Harleyville	\$ 1,800.00
B. Law Enforcement—Ridgeville	600.00
C. Law Enforcement—Reevesville	300.00
	<hr/>
	\$ 2,700.00
	<hr/>
Total, Item 11	\$ 2,700.00
Item 12. Dorchester County Circulating Library	\$ 11,500.00
	<hr/>
	\$ 11,500.00
	<hr/>
Total, Item 12	\$ 11,500.00
Item 13. A. Dorchester Soil and Water Conservation District	\$ 1,000.00
(To be expended upon the written approval of Dorchester County Legislative Delegation as follows: \$500.00 on Aug. 1, 1966, and \$500.00 on Jan. 1, 1967.)	
B. Civil Defense	1,000.00
	<hr/>
	\$ 2,000.00
	<hr/>
Total, Item 13	\$ 2,000.00
Item 14. A. For Industrial and Development purposes— to be used in conjunction with Charleston and and Berkeley Counties	\$ 2,500.00
(To be expended upon presentation of claim to Board of Directors or County Council.)	
B. Dorchester County's portion of maintenance and other costs at Berkeley-Charleston-Dor- chester Technical Training Center	7,000.00
	<hr/>
	\$ 9,500.00
	<hr/>
Total, Item 14	\$ 9,500.00

- Item 15. Contingent Fund\$ 5,000.00
(The above amount is appropriated to meet unforeseen emergencies in the operation of county government and shall be expended upon the written authorization of the Board of Directors or County Council.)

\$ 5,000.00

Total, Item 15\$ 5,000.00

GRAND TOTAL\$373,561.00

LESS ESTIMATED REVENUE FROM OUTSIDE
SOURCES:

Gasoline Tax	\$120,000.00
Fines	35,000.00
Insurance License Fees	18,000.00
Income Tax	35,000.00
Wine and Beer Tax	7,000.00
Bank Tax	1,500.00
Delinquent Taxes and Costs	25,369.00
Liquor Tax	25,000.00
Service Officer	4,173.00
Miscellaneous	9,000.00

Total, Estimated Revenue\$280,042.00

AMOUNT TO BE RAISED BY

TAXATION\$ 93,519.00

Item 16. Bonded Indebtedness:

(1) The necessary amounts are hereby appropriated to meet the payment of principal and interest maturing during the fiscal year beginning July 1, 1966, and ending June 30, 1967, on all bond issues and other indebtedness now outstanding against the County of Dorchester.

(2) The County Treasurer is hereby empowered to borrow for county purposes during the fiscal year beginning July 1, 1966, and ending June 30, 1967, to the extent of the tax levy and other income or revenue of the county, if so much be necessary, upon his note or notes, and is empowered to pledge as security for such money

borrowed, and interest thereon, the taxes of the year 1966, together with any other income or revenue of the county for the fiscal year 1966-1967.

(3) The County Auditor and County Treasurer are hereby required and authorized to collect three dollars per head from all persons liable for Road Work Commutation Tax.

(4) All drafts and warrants issued by the County Board of Directors upon the County Treasurer for the period beginning July 1, 1965, and ending June 30, 1966, the payment of which was authorized by the Dorchester County Delegation to the General Assembly, are hereby approved and ratified.

(5) All fees on Tax Executions, including those of the Treasurer, beginning with executions for the year 1963, shall be paid to the County Treasury.

All Treasurer's fees on executions prior to 1963 shall be paid to the Treasurer.

SECTION 2. In case of a vacancy by death, resignation or otherwise in the office of any magistrate, constable or other officer of Dorchester County, the salary, expenses and other emoluments shall only be paid to a successor who has been recommended for appointment by the majority of the members of County Council.

SECTION 3. Upon the written approval of the Legislative Delegation of Dorchester County, the Board of Directors, or the County Council, the trustees of each of the School Districts of Dorchester County are hereby authorized and empowered to borrow such sums of money as are necessary for the operating expenses of the schools for the 1966-1967 school year, and to pledge as security for the payment of any sum or sums borrowed under this authorization the taxes levied upon the school districts for general operating expenses for the school year 1966-1967.

SECTION 4. All bills presented to the County Board of Directors or the County Council shall be itemized.

SECTION 5. The purchase of any materials or supplies for any county officials or agents of Dorchester County in excess of one hundred dollars must be first approved by the County Board of Directors or County Council.

SECTION 6. It shall be the further duty of the Road Supervisor to see that the grounds of the Courthouse and Dorchester County Hospital shall be cleaned at least once each month.

SECTION 7. This act shall take effect upon approval by the Governor.

Approved the 14th day of May, 1966.

(R1294, S759)

No. 1261

A Joint Resolution Proposing An Amendment To Section 5 Of Article X Of The Constitution, Relating To The Limit Of Bonded Indebtedness Of Certain Political Subdivisions, So As To Permit School District No. 2 Of Dorchester County To Incur Bonded Indebtedness Up To Twenty-Five Per Cent Of The Assessed Value Of The Taxable Property Therein, And To Exclude Such Indebtedness From The Limitation Of Aggregate Indebtedness Upon Any Territory In The County.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Amendment to Article X, Section 5, State Constitution, proposed—bonded indebtedness—Dorchester County.—There is proposed the following amendment to Section 5 of Article X of the Constitution of this State: add at the end of the section the following proviso: "*Provided*, that the limitations as to bonded indebtedness imposed by this section shall not apply to the bonded indebtedness of School District No. 2 of Dorchester County and the school district may occur bonded debt to the extent of not exceeding twenty-five per cent of the assessed value of all taxable property therein. Bonded debt incurred by School District No. 2 of Dorchester County within the twenty-five per cent limitation herein created shall not affect or limit the power of other political subdivisions or municipal corporations, covering or extending over any portion of the territory of the school district, to incur bonded indebtedness."

SECTION 2. Submission to electors.—The proposed amendment shall be submitted to the qualified electors at the next general election for representatives. Ballots shall be provided at the various voting precincts with the following words printed or written thereon: "Shall Section 5 of Article X of the Constitution of this State be amended so as to permit School district No. 2 of Dorchester County to increase its bonded indebtedness up to twenty-five per cent of the assessed value

of the taxable property therein and to exclude such indebtedness from the limitation of aggregate indebtedness upon any territory in the county?

In favor of the amendment ☐

Opposed to the amendment ☐

Those voting in favor of the amendment shall deposit a ballot with a check or cross mark in the square after the words 'In favor of the amendment', and those voting against the amendment shall deposit a ballot with a check or cross mark in the square after the words 'Opposed to the amendment'."

Ratified the 20th day of May, 1966.

(R1033, H2430)

No. 1262

An Act To Direct The Treasurer Of Edgefield County To Transfer The Sum Of Ten Thousand Dollars From The General Fund To The Contingent Fund Of The County.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Treasurer of Edgefield County may transfer funds.

—The Treasurer of Edgefield County is directed to transfer the sum of ten thousand dollars from the General Fund to the Contingent Fund of the county.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 22nd day of April, 1966.

(R1339, H2683)

No. 1263

An Act To Provide For The Levy Of Taxes For Ordinary County Purposes In Edgefield County For The Fiscal Year Beginning July 1, 1966; And To Provide For The Expenditure Thereof.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. The following appropriations are hereby made for operation of Edgefield County for the year beginning July 1, 1966, and ending June 30, 1967:

Item 1. Maintenance of chain gang, bridges, roads and buildings	\$ 40,000.00
Item 2. Clerk of Court's Office:	
(a) Clerk of Court's salary	1,920.00
(b) Deputy Clerk of Court's salary	3,000.00
Item 3. Sheriff's Department:	
(a) Sheriff's salary	6,240.00
(b) Clerical help for Sheriff	3,000.00
(c) Two Deputy Sheriffs at \$5,040.00 each	10,080.00
(d) Uniform, Deputy Sheriffs	600.00
(e) Maintenance and automobile expense, radio repairs and upkeep for Sheriff's Department, if so much be necessary	3,600.00
<i>Provided, the Sheriff or Deputy Sheriffs shall serve warrants for the magistrates.</i>	
(f) S. C. Police Officers Retirement System	1,400.00
Item 4. Auditor (County's part):	
(a) Auditor's salary	1,800.00
(b) Clerical help for Auditor	3,000.00
Item 5. Treasurer (County's part):	
(a) Treasurer's salary	1,800.00
(b) Clerical help for Treasurer	3,000.00
Item 6. Supervisor's Office:	
(a) Supervisor's salary	4,320.00
(b) Clerk to Board of County Commissioners	3,000.00
(c) Two County Commissioners at \$600.00 each ..	1,200.00
Item 7. Attorney, salary	900.00
<i>Provided, the County Attorney shall represent the county in all matters without additional compensation.</i>	
Item 8. Tax Collector, salary	3,480.00
Travel expense for Tax Collector	660.00
Clerical help to Tax Collector	900.00
Item 9. Coroner, salary	900.00
Item 10. Judge of Probate's Office:	
(a) Judge of Probate's salary	2,220.00
(b) Clerical help for Judge of Probate	3,000.00

Item 11. Magistrates:	
(a) Magistrate of First District	2,520.00
(b) Magistrate of Second District—Trenton	1,260.00
(c) Magistrate of Third District—Johnston	1,260.00
(d) Magistrate of Fifth District	780.00
<i>Provided</i> , that no magistrate in Edgefield County shall receive his salary unless and until he shall have filed a statement with the County Treasurer showing all cases handled and the disposition thereof.	
Item 12. Janitors:	
(a) Janitor for Courthouse	1,680.00
(b) Janitors for Agricultural and Health Center Buildings	1,440.00
Item 13. Post mortems, inquests and lunacy	1,200.00
Item 14. Telephone and telegraph	2,500.00
Item 15. Printing, postage and stationery	2,500.00
Item 16. Burial of county poor	200.00
Item 17. Premiums on bonds for County Officers	1,000.00
Item 18. Water, heat, lights and fuel for county buildings, including heat for the two National Guard Armories	6,000.00
Item 19. Welfare Department:	
(a) Department of Public Welfare Board members	360.00
(b) For aid to Class Four of Public Welfare State Appropriation for use in Edgefield County	500.00
(c) Department of Public Welfare for emergency purposes	300.00
Item 20. Dieting of prisoners in County Jail	2,400.00
Item 21. 4-H Club work	250.00
Item 22. Farm Agent's Office:	
(a) Contingent Fund for Farm Agent	100.00
(b) Demonstration supplies for County Home Agent	100.00
Item 23. County Service Officer:	
(a) County Service Officer's salary	5,160.00
(b) Clerk for Service Officer	3,000.00
(c) Travel for Service Officer	780.00
Item 24. Jailer, salary	1,440.00
Item 25. Edgefield County National Guard	1,800.00

Item 26. Insurance on County buildings and premiums for insurance, County employees' workmen's compensation fund	4,500.00
Item 27. Social Security on County employees (County's part)	4,000.00
Item 28. Retirement on County employees (County's part)	4,000.00
Item 29. Publishing County statements in both County newspapers	480.00
Item 30. Repairing and maintaining County machines in various County offices	400.00
Item 31. Office equipment, office supplies, box rents and miscellaneous expenses	3,000.00
Item 32. Civil Defense	3,000.00
Item 33. (a) County Health Department (County's part)	5,500.00
(b) Hospital Charity Fund	3,500.00
Item 34. Contingent Fund	10,000.00
To be expended upon written approval of the legislative delegation.	
Item 35. Auditing the county affairs, 1966-1967	600.00
Item 36. Superintendent of Education, travel expense ..	1,500.00
Item 37. Farm Agents' Office:	
(a) County Agent, travel expense	840.00
(b) Home Demonstration Agent, travel expense ..	420.00
Item 38. Edgefield Dairy Breeders Association	900.00
Item 39. Forestry Board Members	50.00
Item 40. Mental Health	3,776.00
Item 41. Rural Library Service	12,322.08
Item 42. County Reassessment Program	15,000.00
Item 43. County Council Members	3,900.00
	<hr/>
	\$216,238.08

SECTION 2. The board of county commissioners, subject to approval by the county legislative delegation, may divide the expenditures of such appropriations in monthly payments as nearly as practicable, and borrow money, if necessary, in sufficient sums to meet the expenses of the year 1966-1967.

SECTION 3. The jailer of the county shall be appointed by the sheriff and shall serve at the pleasure of the sheriff; and shall receive one dollar and forty cents per day for dieting each prisoner, to be paid out of the fund for dieting prisoners and jail.

SECTION 4. The court crier, jurors, jury boy, and bailiffs, shall receive ten dollars per day for each day's service in attendance upon court.

SECTION 5. In addition to the other costs and fees now allowed by law to the Probate Judge of Edgefield County for his services, he shall be entitled to the fees allowed him by law for issuing marriage licenses.

SECTION 6. No gasoline or oil purchased by the county shall be used by any officer except the county supervisor, who shall also have the use of a county-owned and maintained automobile. The gasoline, oil and automobiles are to be used exclusively for county purposes.

SECTION 7. All payments herein provided for shall be made direct to the person receiving same.

SECTION 8. No telephone shall be maintained by the county except with the written approval of the county supervisor and all long distance calls charged to county phones must be itemized and presented to the county supervisor's office before the bill will be paid.

SECTION 9. No office supplies, postage or stationery, or fuel for any county office shall be bought except through the county clerk of court who shall authorize all purchases, keeping an itemized statement of the same, for which office bought, and shall furnish a statement of items each month to the county board and shall authorize no purchase beyond the appropriation herein provided.

SECTION 10. No office equipment, furniture and fixtures shall be bought except upon the written approval of the county delegation.

SECTION 11. No property shall be rented for the use of the county, or any department thereof, except with the written permission of the county supervisor and at least one commissioner.

SECTION 12. All purchases for gang, roads, bridges, buildings and their maintenance, of any kind whatsoever, must be made by the supervisor personally, or on his written order; *provided*, that no item costing over one hundred dollars shall be bought by the supervisor

without the written consent of at least one of the county commissioners. *Provided*, further, that all tires and supplies shall be bought in Edgefield County.

SECTION 13. No tractors, trucks, scrapes, or any kind of road machinery, can be purchased with county funds or sold without the written consent of the county legislative delegation.

SECTION 14. The fee that may be charged by the Clerk of Court of Edgefield County for the recording, filing, indexing or registering any mortgage or other instrument conveying an interest in, or creating a lien on crops growing or to be grown or personal property and made to any corporation organized under the Acts of Congress, known as the Farm Credit Act of 1933, as and if amended, a Regional Agricultural Credit Corporation, a Federal Intermediate Credit Bank, or any other corporation which rediscounts notes or other obligations with or procures loans from a Federal Intermediate Credit Bank, the Reconstruction Finance Corporation or the Government of the United States or any department, agency, instrumentality or office thereof, shall be one dollar; and a copy or duplicate of such instrument shall be one dollar; and a copy or duplicate of such instrument shall be furnished to the recording officer. The fee that may be charged by the clerk of court for search and a certificate or priority liens on crops for each loan shall be fifty cents; *provided*, that Edgefield County is specifically excepted from the provisions of Section 27-61 of the 1962 Code.

The fee for recording a deed to real estate when the number of words does not exceed one thousand shall be one dollar and fifty cents, and when the number of words exceeds one thousand it shall be at the rate of fifteen cents per hundred words. *Provided*, further, that the fee for recording a chattel mortgage under one hundred dollars shall be one dollar.

SECTION 15. The county legislative delegation shall have the right at any time to alter any of the salaries or appropriations herein; *provided*, the alteration shall be in the form of a letter addressed to the proper authorities and signed by both members of the delegation.

SECTION 16. The amounts provided for herein for the several purposes shall be expended for the purpose stated and none other and any unexpended balance on hand at the expiration of the period herein provided for shall revert to the general funds of the county.

No county funds shall be expended for any purpose unless such expenditure is specifically authorized by the provisions of this act, or by the written authorization of the members of the Edgefield County Delegation. No additional employees shall be hired by the county without approval of the legislative delegation.

SECTION 17. In the event it should be determined by the proper authorities that the amount herein appropriated for any purpose is insufficient, then the supervisor is directed to notify the legislative delegation and the legislative delegation shall have the authority to transfer sufficient funds to take care of same, and the legislative delegation shall have the authority to transfer from the county surplus funds, or any other fund, such sum as in the opinion of the legislative delegation may be in the best interest of the county.

SECTION 18. All funds received from the State Forestry Commission shall be placed by the Treasurer of Edgefield County to the credit of the general funds of the county.

SECTION 19. Each and every claim drawn against the county and to be paid under the provisions of this act shall be marked as to what fund or account it is to be paid and charged against, and the records of the supervisor's and the superintendent of education's office shall be set up by having a separate and distinct page for each item and account contained herein.

SECTION 20. The allotment of office space in the courthouse to various officers and departments shall be made by the clerk of court who shall have complete charge of the courthouse.

SECTION 21. All funds not herein specifically appropriated or designated for some special purpose which may now be in the hands of the treasurer, or may hereafter come into the hands of the treasurer, shall be placed in the general funds of the county.

SECTION 22. All officers and employees of Edgefield County shall be entitled to those holidays as set forth in Sections 64-151 and 64-152 of the 1962 Code. *Provided*, any employee with ten years service shall be entitled to two weeks vacation each year. *Provided*, further, that any employee with twenty years or more service shall be entitled to three weeks.

SECTION 23. All monies accruing to the county from beer, wine and whiskey licenses and taxes shall be placed to the credit of ordinary county fund.

SECTION 24. No county-owned automobile or truck shall be used for any purpose other than county business.

SECTION 25. County offices shall remain open from nine until five o'clock Monday through Friday of each week and on Saturday shall remain open from nine until twelve o'clock, except for the office of the county superintendent of education, which office shall remain open from eight to four o'clock Monday through Friday of each week and on Saturday shall remain open from eight to twelve o'clock.

SECTION 26. Any new clerk employed by any county officer, the starting salary will not exceed two thousand seven hundred dollars.

SECTION 27. Effective January 1, 1967, the County Council shall have the authority to alter or change any of the salaries, appropriation, or provisions of this act with the approval of the Edgefield County House Delegation.

SECTION 28. This act shall take effect upon approval by the Governor.

Approved the 1st day of June, 1966.

(R800, H1979)

No. 1264

An Act To Authorize The Board Of Trustees Of The School District Of Fairfield County To Borrow Not Exceeding Fifty Thousand Dollars For Vocational Education Purposes.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. School District of Fairfield County may borrow money.—The Board of Trustees of the School District of Fairfield County is authorized to borrow not exceeding fifty thousand dollars from the Division of General Services of the State Budget and Control Board for the expansion of vocational education facilities. The indebtedness shall be evidenced by a note signed by the chairman of the board of trustees after resolution has been passed by a majority of the members of the board. The note shall be payable in five equal annual installments with interest thereon not to exceed four per cent per annum. *Provided*, that this authorization is

contingent upon the availability of matching funds from State or Federal sources.

For the payment of the principal and interest of the note, the full faith, credit and taxing power of Fairfield County is irrevocably pledged.

Should there be default in any payment of the indebtedness authorized hereby, the State Treasurer shall withhold any funds accruing to the school district and transmit them to the Division of General Services.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 18th day of February, 1966.

(R813, H2097)

No. 1265

An Act To Extend The Season For The Hunting Of Quail, Squirrels And Rabbits In Fairfield County To March First For The Year 1966 Only.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Hunting season in Fairfield County extended.—Notwithstanding any other provisions of law the season for hunting quail, squirrels and rabbits in Fairfield County is extended to March first for the year 1966 only.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 25th day of February, 1966.

(R872, S558)

No. 1266

An Act To Amend Act No. 594 Of 1965, Relating To The Funds Which May Be Expended By The Fairfield Memorial Hospital Board In Fairfield County, So As To Authorize Further Expenditure By The Board.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 1 of Act 594 of 1965 amended—further expenditure by board.—Section 1 of Act No. 594 of 1965 is amended by adding a new paragraph to read as follows: “In addition to the amount above provided for, the board may expend thirty thousand dollars of the funds which it has on hand for the same purposes as provided for above.” When amended, the section shall read as follows:

“Section 1. The Fairfield Memorial Hospital Board of Fairfield County is authorized to borrow from any bank in the county a sum not to exceed one hundred thousand dollars under such terms and conditions as may be agreed upon; *provided*, such agreement shall contain provisions that the amount so borrowed shall be repaid in not more than ten years and that the board may anticipate the balance on any anniversary date or may reduce the balance over and above the regular payment on such date in multiples of one thousand dollars.

The funds so borrowed shall be used for the purposes of air conditioning the Fairfield Memorial Hospital and adding facilities thereto for twenty-two beds.

In addition to the amount above provided for, the board may expend thirty thousand dollars of the funds which it has on hand for the same purposes as provided for above.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 18th day of March, 1966.

(R1383, H2294)

No. 1267

An Act To Provide For The Levy Of Taxes For Ordinary County Purposes And For Support Of The County Stockade For Fairfield County For The Fiscal Year Beginning July 1, 1966, And Ending June 30, 1967, And For The Expenditure Thereof.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. A tax of twelve mills, if so much be necessary, is levied upon all taxable property in Fairfield County for the fiscal year beginning July 1, 1966, and ending June 30, 1967, which, together with the other county income shall be used to pay the expenses

of operating the county as provided herein. All county property must be marked as property of Fairfield County.

SECTION 1-A. The auditor is directed to levy, and the treasurer to collect, a tax of one mill on all taxable property in Fairfield County to be credited to the Fairfield Memorial Hospital operating fund. This is to be in addition to the levy that might be directed by the Hospital Board.

Item 1. Roads and Bridges\$ 70,000.00

Provided, that goods and supplies purchased by the board of county commissioners for the county must not be bought other than by competitive bids and, further, that all equipment and supplies exceeding \$400.00 shall be advertised in the newspaper published in the county. *Provided*, however, in cases of emergency where repair parts are necessary to restore county-owned motor vehicles and road machinery to operation, such parts may be purchased by the board of county commissioners or the supervisor without first obtaining such bid or bids. *Provided*, further, that no road machinery or equipment shall be purchased or disposed of without the written consent of the legislative delegation. *Provided*, further, that under the direction of the Board of County Commissioners of Fairfield County, the county supervisor shall devote his entire time to the construction, maintenance and repairs of the roads and bridges of the county.

Provided, further, that all county road machinery and county trucks and motor vehicles shall be plainly marked with letters of substantial size on both sides of the vehicles as follows: "Property of Fairfield County."

Provided, further, that no more than one-half of the above amount may be expended or obligated to be spent prior to January 1, 1967.

Item 2. Salaries:

Clerk of Court\$ 2,511.00

For use by clerk of court in keeping courthouse
yards and grounds 50.00

The clerk of court shall be the custodian of the yards and grounds of the courthouse and is charged with the duty of keeping same properly planted and landscaped. He may call upon the supervisor for labor and assistance in this work when deemed necessary.

Deputy to Clerk of Court	3,598.00
Clerk to Clerk of Court	2,772.00
Clerk hire for court	770.00
Sheriff	6,248.00

Provided, that the sheriff shall be the custodian of gas, oil, tires and equipment purchased by the county, including automobiles which shall be purchased for use of sheriff's office and rural police. The jailer shall be the dispenser of the supplies and shall keep records of the supplies and materials dispensed, so as to indicate mileage, dates and amounts, and the jailer shall perform these duties under the direction of the sheriff.

Jailers	5,432.00
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Provided, the sheriff shall designate the number of jailers, their hours and compensation.

Uniforms for jailer (1/12 monthly)	300.00
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Provided, that the insignia of the office shall be affixed upon such uniforms.

Provided, further, that the jailer shall be a competent, able-bodied person and fully capable of performing the duties of his office.

Provided, further, that the jailer shall furnish the usual surety bond required of other county police officers.

Provided, further, that the Jailer shall be a person qualified to operate the station radio and keep adequate and proper records concerning operation of radio and the dispensing of supplies and materials to county officers' vehicles.

Clerk to Sheriff	3,492.00
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Provided, that the clerk shall operate the base radio in conjunction with the jailer during office hours, in addition to his other duties.

Deputy Sheriffs, 4 @ \$5,263.00 each	21,052.00
Chief Deputy Sheriff	5,373.00
<i>Provided</i> , that one of the deputies shall be stationed at and shall have his primary duties at the Winnsboro Mills Village community, and such deputy shall be assigned a county-owned police car.	
Rural police, 2 @ \$5,263.00 each	10,526.00
Uniforms for deputies and rural police, to be purchased by Rural Police Commission, not to exceed	1,200.00
Travel for Tax Collector	800.00
Tax Collector's office	6,930.00
<i>Provided</i> , this amount is to be expended by the County Board of Commissioners for operation of the Tax Collector's office and for payment of travel and current expense and such clerical help as necessary. It is further provided that the clerk will receive not less than \$55.00 per week.	
Auditor—to receive a portion of his salary from State funds	1,732.00
Travel for Auditor	250.00
Auditor—Clerk hire	3,598.00
<i>Provided</i> , clerk to auditor shall be full time.	
Treasurer—to receive a portion of his salary from State funds	1,732.00
Travel for Treasurer	250.00
Clerk to Treasurer	2,922.00
Attorney	750.00
Coroner	1,501.00
Travel for Coroner	150.00
Supervisor	4,414.00
Clerk—Board of County Commissioners	4,076.00
Clerical assistance to Clerk of County Board ..	727.00
Travel expenses for Clerk of Board of County Commissioners	300.00
Clerk for additional work with retirement records, Social Security and hospitalization insurance	900.00
Judge of Probate	3,270.00

	Clerk to Judge of Probate	1,455.00
	Secretary to delegation	730.00
	Travel for forest wardens and tractor operator <i>Provided</i> , that each will receive \$35.00 per month for travel.	2,100.00
Item 3.	Expenses of County Officers:	
	Supervisor's car and travel expense	\$ 1,350.00
	The school lunch supervisor and attendance teachers shall be under the supervision and control of the Board of Education.	
	County Board of Commissioners	3,423.00
	Travel for Board of Commissioners—\$5.00 per month	300.00
	<i>Provided</i> , that the Chairman of the Board of Commissioners shall receive eight hundred fifteen dollars per year, and each commissioner six hundred fifty-two dollars per year.	
Item 4.	Insurance fund	\$ 4,000.00
	The above amount shall be appropriated from the general fund of Fairfield County and transferred to an account designated as "Insurance Fund" to be held by the county treasurer. The county treasurer is directed to maintain this fund in a separate account and add to it at the end of each fiscal year any unexpended balance under this item remaining at that time. The county treasurer, upon the approval of the county attorney, is authorized to invest this fund in securities which are approved under the law of this State for investment of trust funds or funds held by fiduciaries. This fund shall be held to satisfy legal claims against Fairfield County arising out of or through liability incurred by Fairfield County resulting from the operation of Fairfield County-controlled motor vehicles. The Fairfield County Board of Commissioners is hereby authorized to pay all liability claims incurred by Fairfield County, when approved first by the county attorney, or to satisfy a judgment rendered by a court of competent jurisdiction	

against Fairfield County arising out of the operation of Fairfield County-owned motor vehicles. A full accident report shall be made immediately to the county attorney and the County Board of Commissioners by the head of every department or county official whenever any motor vehicle under county control, operated by his department, shall be involved in an accident involving any personal injury or damage to property.

Provided, that the treasurer shall be and is authorized to borrow from this fund to meet general county expenses pending the collection of taxes, and after the collection of taxes, if such money is needed.

Item 5. County Health Unit\$ 7,965.00

Provided, that \$500.00 of this amount shall be used for the purpose of treating arrested T.B. patients.

Provided, further, that two nurses and the sanitarian will receive \$90.00 per month for travel from the above appropriation.

Item 6. Magistrates\$ 9,202.00

Eight constables for Magistrates—\$200.00 each 1,600.00

Extra constables for work with Sheriff's office at his request 1,000.00

Item 7. County Boards:

Board of Equalization\$ 700.00

Item 8. Jail expenses\$ 4,000.00

Item 9. Jurors and witnesses and court expenses\$ 4,500.00

Court crier shall receive \$8.00 per day.

Provided, that jurors shall receive \$7.50 per day.

Item 10. Post mortems, inquests and lunacies\$ 700.00

Provided, that inquests shall be held upon a written request of three reputable citizens and the request shall be filed with the coroner, or if in the judgment of the coroner an inquest is justified or needed.

Provided, that coroner's jurors shall receive \$1.00 per day.

- Item 11. Public buildings, including water, fuel, lights and insurance\$ 13,800.00
Workmen's Compensation premium shall be paid from this appropriation.
Provided, that up to \$300.00 of this amount shall be used by the Clerk of Court to purchase the necessary equipment and supplies for the maintenance of the courthouse.
- Item 12. Printing, postage and stationery\$ 3,000.00
Provided, printing, postage and stationery for the Board of Education and school use shall be paid for by the Board of Education out of the board's funds.
- Item 13. Farm and Home Demonstration\$ 500.00
County 4-H Club work 500.00
Stenographer to County Agent, salary 650.00
Stenographer to Home Demonstration Agent, salary 110.00
County Agent salary supplement 190.00
Assistant County Agent salary supplement ... 190.00
Home Demonstration Agent, salary supplement 100.00
- Item 14. Home Demonstration Assistant Agent, salary supplement\$ 550.00
- Item 15. Janitor for Courthouse\$ 1,320.00
The janitor shall be hired by and shall be under the supervision and control of the Clerk of Court (caretaker of the courthouse).
- Item 16. Janitor for County Library\$ 410.00
- Item 17. Future Farmers of America, Livestock Show ..\$ 350.00
- Item 18. Armory maintenance\$ 800.00
- Item 19. For supplies and maintenance of county-owned vehicles used in law enforcement\$ 5,000.00
Provided, the above sum shall be paid upon approval of the sheriff. The County Rural Police Commission shall secure bids by public notice and shall be responsible for purchasing such supplies and equipment.
- Item 20. Board of Public Welfare\$ 1,000.00
Provided, that this sum shall be paid to the Director of the Board of Public Welfare for use

in extreme emergencies, and for indigent cases involving out-of-county hospitalization and medicines and paupers' burial.

- Item 20-A. The County Board of Public Welfare is hereby authorized and directed to expend the following appropriation for supplemental salaries for the director and employees of the Welfare Department\$ 537.36
Provided, that caseworkers will receive a supplement in the amount of \$58.32 and stenographers \$93.72 per year. It is further provided that all welfare workers will continue under the county group insurance plan.
- Item 20-B. Members of the Board of Public Welfare for Fairfield County shall receive \$18.33 per meeting, to be divided equally among those board members present\$ 220.00
- Item 21. Rural Police Commission\$ 75.00
Provided, that each commissioner who shall attend a regular meeting of the commission, or a special meeting of the commission, shall receive \$5.00 for such attendance. The appropriation set forth above shall be solely for the \$5.00 attendance and paid only to those members in attendance at such meeting.
- Item 22. Magistrate jurors (\$1.00 per day)\$ 200.00
- Item 23. Fairfield Chamber of Commerce\$ 1,500.00
Provided, the sum herein appropriated shall be used for advertising of Fairfield County and the solicitation of industry to locate in Fairfield County, and for research, planning and development of the county.
- Item 24. Service Officer's Office:
 \$4,590.00 of the appropriation hereinbelow provided for shall be paid by the State and the remainder from county funds.
 Service Officer—salary\$3,833.00
 Mileage 1,000.00
 Clerk to Service Officer 2,615.00
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- Total for Office\$7,448.00

The expenses of this office, other than travel and salaries, shall be paid out of Item 11.

	Appropriation from county funds for above	\$ 2,858.00
Item 25.	Hospitalization insurance—county employees . .	4,000.00
Item 26.	For costs and investigation to encourage new industry for the county, to be expended upon the approval of the entire delegation	\$ 1,000.00
Item 27.	Civil Defense Office:	
	\$2,637.00 of the appropriation hereinbelow provided shall be paid by the State and the remainder from county funds.	
	Civil Defense Officer—salary	\$4,074.00
	Secretarial help and office supplies . .	1,200.00
	Total	\$5,274.00
	Appropriation from county funds for above	\$ 2,637.00
Item 28.	Fairfield County Recreation Association	\$ 3,000.00
	<i>Provided</i> , the amount appropriated in this item is to be expended only after a monthly budget is submitted by the Recreation Association and approved by a majority of the legislative delegation.	
Item 29.	Carolina Community Actions, Inc.	\$ 3,570.00
	Fairfield County proportionate share to four county Economic Opportunity Commission.	
Item 30.	County Planning and Development Commission \$	5,000.00
	<i>Provided</i> , that the appropriation will be expended to carry out the provisions of Article 16, Chapter 8, Title 14, 1962 Code, as amended.	
Item 31.	Clerical help, books and supplies for resident circuit judge	\$ 500.00
	GRAND TOTAL	\$264,118.36

SECTION 1-B. A tax of two mills is levied upon all the taxable property in the County of Fairfield for the fiscal year beginning July 1, 1966, and ending June 30, 1967, to be collected and paid over to the Fairfield County Board of Education to be applied to the retirement of bonded debt. It is further provided that an additional six mills is levied upon all the taxable property for the opera-

tion of schools for the fiscal year beginning July 1, 1966, and ending June 30, 1967.

SECTION 2. So much of the amount hereinabove appropriated for the County Health Unit under Item 5 shall be expended as may be necessary to meet the requirements established under the State Appropriations Act for Health Department work. This fund shall be expended under the following provisions: *Provided*, that the physician to be employed shall be a graduate of a regular medical college and skilled in hygiene and sanitary science; the physician shall be designated County Health Officer, and shall perform all such duties as may be imposed upon him by the sanitary laws of the State and shall discharge all the duties of County Physician; and that a trained public nurse shall be employed who shall devote her whole time to public works in Fairfield County, and such other workers as may be found necessary and desirable to properly carry out a public health program; *provided*, however, that as far as possible a medical inspection of all school children in Fairfield County shall be made by the physician in charge and that all trustees and principals shall give every assistance in carrying out this program; *provided*, further, that this appropriation is contingent upon the full compliance with this section.

SECTION 3. The salaries of the magistrates in the various districts for the fiscal year beginning July 1, 1966, and ending June 30, 1967, are hereby fixed as follows:

Magistrates at Winnsboro and Winnsboro Mills, sixteen hundred twenty-eight and thirteen hundred fifty-six dollars, respectively, per year;

Magistrates at Ridgeway and Mitford, twelve hundred and ten dollars;

Magistrates at Feasterville and Jackson Creek, eight hundred four-ten dollars each;

Magistrates at Jenkinsville and Greenbrier, ten hundred eighty-five dollars.

SECTION 4. All warrants drawn on county funds shall specify on what fund they are drawn, and no warrant shall be drawn on any fund other than specified in this act.

SECTION 5. The Sheriff of Fairfield County shall receive not exceeding one dollar and twenty cents each day for dieting prisoners.

The sheriff shall be allowed a turnkey fee of fifty cents per prisoner actually committed to and confined within the jail.

Provided, that in the case of all temporary prisoners committed by the Town of Winnsboro, the turnkey fee shall be paid by the town.

SECTION 6. All funds now in the hands of the treasurer and all funds that may come into his hands during the year 1966-1967, and monies in the hands of the treasurer received by the collection of tax executions during the year 1966-1967 are hereby transferred and made a part of the contingent fund. All funds of the county on hand July 1, 1966, by reason of unexpended balance of appropriations for the period ending June 30, 1966, are likewise made a part of the contingent fund. No part of the contingent fund shall be spent except on an order or orders signed by the Senator and the member of the Legislative Delegation of Fairfield County. Approval of such appropriations shall be made only at a meeting of the entire legislative delegation. *Provided*, however, in the event there is an absence of either the Senator or House member, then the other member of the delegation is authorized to approve such appropriation. At least one such meeting shall be held during each calendar month.

SECTION 7. The county board of commissioners is hereby directed to assume the office of Budget Officer for Fairfield County as part of their duties as county commissioners, and they are hereby authorized to reduce the appropriations for the various items in this act whenever they see that the revenue will not be available to meet the required appropriations.

SECTION 8. The sum of five hundred dollars shall be placed to the credit of the Farm Demonstration Agent, to be used by him for prizes for the boys' and girls' clubs, and to be divided between such annually. He is directed to file at the end of the year with the county board of commissioners a statement showing how such funds are expended. The appropriation hereinbefore provided for prizes for the Future Farmers of America Livestock Show shall be withdrawn only on proper request submitted to and approved by the County Farm Demonstration Agent, who shall file at the end of each year with the county board of commissioners an itemized statement showing how such funds were expended.

SECTION 9. In the event the clerk of court or judge of probate should have, in their official capacity, any funds which have been

unclaimed for as long as seven years, they are hereby authorized to pay the same over to the county treasurer, taking his receipt for the same. The county treasurer shall deposit any amount so received as a part of the fund for ordinary county purposes.

SECTION 10. The county board of commissioners shall fix the salary of the superintendent of the county chain gang, to be paid out of the appropriation for Item 1, and all chain gang employees likewise shall have their salaries set by the board.

SECTION 11. All orders or warrants upon the county treasurer in the payment of approved claims shall be signed by the chairman of the board of county commissioners, attested by the clerk of the board.

SECTION 12. There is hereby levied a tax of two mills upon all of the taxable property in the county, the proceeds of which are to be used for the operation and maintenance of the Fairfield County Library. The auditor of the county is directed to levy, and the treasurer to collect, such tax, in like manner as other taxes are collected.

SECTION 13. The county board of commissioners, out of the appropriation for public buildings and insurance, shall draw a warrant in favor of the caretaker of the courthouse for twenty dollars, the sum to be used by him as a petty cash fund to buy minor supplies, the fund to be accounted for by him to the county board.

SECTION 14. The treasurer is hereby authorized and directed to place all taxes which were collected for purposes set forth in Section 15 of the 1952 Fairfield County Appropriations Act into the general fund, and is further directed to place any such taxes which hereinafter be collected for the funds, which taxes are now all delinquent, into the general fund upon their collection.

SECTION 15. The county, or any subdivision thereof, or any person purchasing on behalf of the county, shall not buy any item over one hundred dollars without first receiving competitive bids and, in the event the item shall cost more than four hundred dollars, request for bids shall be advertised in the newspaper published in the county; *provided*, however, that if the item to be purchased is the only one of its kind and there are no competitive sellers or manufacturers, then advertisement shall not be necessary.

SECTION 16. Before any carnival, road show or circus shall be allowed to operate or set up for operation in the County of Fairfield,

they shall pay a license fee to the Clerk of Court for Fairfield County in the amount of one hundred twenty-five dollars a week, or on a daily basis the sum of twenty-five dollars. *Provided*, however, that such must be sponsored by a recognized civic organization. In the absence of such payment, the carnival, road show or circus shall not be allowed to set up in the county. *Provided*, further, that no carnival, road show or circus shall be allowed to operate that is accompanied by fortunetellers, or any games of chance. The clerk shall turn over the license fee so collected to the treasurer, who shall credit same to the general fund.

SECTION 17. The treasurer is hereby authorized and directed to pay from the general fund of the county to any insurance company selected by the county board of commissioners, and approved by the county attorney, for the purpose of hospitalization and life insurance policies for county employees, not to exceed the amount appropriated in Item 25.

SECTION 18. The hawkers' and peddlers' license for nonresidents as required by law, to do business in Fairfield County shall be as follows:

Those selling, or offering for sale, furniture	\$200.00
Those selling dry goods	150.00
Those selling jewelry and novelties	100.00
Those picking up laundry	25.00
Those picking up dry cleaning	25.00

Provided, that if this service is not available by or through a local laundry or dry cleaning establishment, this license shall not be required. Neither shall the license be required where laundry and dry cleaning are left with a resident storekeeper or agent to be picked up.

All other licenses shall be \$25.00 except ice delivery.

Provided, that licenses shall be from July first of a year to July first of the following year. The licenses now in effect shall be effective until they expire, at which time the clerk shall charge a pro rata license fee until the following July first if renewal is applied for. The clerk shall issue new applications until the following July first on a pro rata cost basis, and all renewals of licenses shall be from July first after the initial application is made.

Provided, further, that the penalty for violation of this section shall be as prescribed by general law of this State relating to hawkers and peddlers.

The fees required herein shall be paid to the Clerk of Court of Fairfield County and shall be turned over to the Treasurer of Fairfield County for deposit to the general fund of the county.

SECTION 19. *Provided*, that if the revenue forthcoming from all sources to the County of Fairfield be inadequate to finance the obligations of the county, then, upon approval of the delegation, the Treasurer of Fairfield County shall be empowered to borrow up to forty thousand dollars, to be repaid within five years upon such terms and at such rate as may be best obtained.

SECTION 20. The County Sanitation Officer and the Manager of the Town of Winnsboro may employ a person for the purpose of catching and impounding stray or uninoculated dogs. For the purpose of the enforcement of laws pertaining to such dogs only, the person so employed shall have the authority of a deputy sheriff.

SECTION 21. This act shall take effect upon approval by the Governor.

Approved the 13th day of June, 1966.

(R786, H2029)

No. 1268

An Act To Amend Act No. 912 Of 1924 Creating A Park Commission For The City Of Florence, So As To Make Further Provision For The Number And Terms Of Office Of The Members Of The Commission.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. ~~Section 2 of Act 912 of 1924 amended—members—elections—terms—officers.~~—Section 2 of Act No. 912 of 1924 is amended to read as follows :

“Section 2. The commission shall be composed of sixteen members, resident electors of the City of Florence, to be elected by the city council. Immediately upon the approval of this act the City Council of the City of Florence shall proceed to terminate the terms of office of the present members of the commission and to elect sixteen members of the park commission. After their election the members of the commission shall meet and organize by the election of one of their number as chairman and another as secretary. They

shall then proceed to draw lots among themselves as to their respective terms of office, so that the terms of office of the sixteen original members shall commence on the date of their election and two shall expire in one year, two in two years, two in three years, two in four years, two in five years, two in six years, two in seven years and two in eight years. Thereafter, there shall be elected by city council each year two members of the park commission to take the place of the members whose terms expired in such year, and all such members so elected to the commission after the first election shall hold office for a term of eight years."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 16th day of February, 1966.

(R829, H2108)

No. 1269

A Joint Resolution Proposing An Amendment To Section 5 Of Article X Of The Constitution, Relating To The Limit Of Bonded Indebtedness Of Certain Political Subdivisions, So As To Increase The Limitation Upon The Bonded Indebtedness Of School District No. 1 Of Florence County, And To Eliminate Consideration Of Such Indebtedness As To Other Political Entities Covering The Same Territory.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Amendment to Article X, Section 5, State Constitution, proposed—bonded indebtedness of School District 1 of Florence County.—There is proposed the following amendment to Section 5 of Article X of the Constitution of this State: add at the end of the section the following: "*Provided*, that the limitations imposed by Section 5 of Article X are removed for School District No. 1 of Florence County and such district may impose a bonded indebtedness not exceeding fifteen per cent of the assessed value of the taxable property in the district. The bonded indebtedness of School District No. 1 of Florence County shall not be considered in determining the power to incur bonded indebtedness by Florence County or by any political subdivision of Florence County or of the State wholly covering or partially extending over the territory of School District No. 1 of Florence County."

SECTION 2. Submission to electors.—The proposed amendment shall be submitted to the qualified electors at the next general election for representatives. Ballots shall be provided at the various voting precincts with the following words printed or written thereon: “Shall Section 5 of Article X of the Constitution of this State be amended, so as to permit the increase of the bonded indebtedness of School District No. 1 of Florence County not to exceed fifteen per cent of the assessed value of the taxable property in the district, and to eliminate consideration of such indebtedness as to other political entities covering the same territory?”

In favor of the amendment ☐

Opposed to the amendment ☐

Those voting in favor of the amendment shall cast a ballot using a check or cross mark in the square after the words ‘In favor of the amendment’, and those voting against the amendment shall cast a ballot with a check or cross mark in the square after the words ‘Opposed to the amendment’.”

Ratified the 1st day of March, 1966.

(R881, H2207)

No. 1270

A Joint Resolution Proposing An Amendment To Section 7 Of Article VIII And Section 5 Of Article X Of The Constitution Of South Carolina, 1895, Relating To Bonded Indebtedness Of Certain Political Subdivisions, So As To Exclude From The Provisions And Limitations Thereof The Obligations Of The City Of Florence To Florence County, Or Any Agency Thereof, Under A Long-Term Lease Obligating The City Of Florence To Pay Rent For Its Share Of Constructing, Maintaining, Improving And Enlarging A Multistoried Building To Be Constructed By Florence County For The Purpose Of Providing Courthouse, Jail, City Hall, Office And Related Facilities For Florence County And For The City Of Florence And For Other Governmental Agencies.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Findings of General Assembly.—The General Assembly takes note of the fact that, by legislation, in pari materia, provision has been made for the construction by Florence County of a

multipurpose, high-rise building intended to provide courthouse, jail, city hall, office and related facilities for Florence County and the City of Florence.

In connection with this project the City of Florence will be required to enter into a long-term lease, under which it must obligate itself and pledge its full faith and credit therefor, to pay over a period of time of long duration as rent its share of the cost incurred by Florence County in constructing, enlarging, improving, maintaining and operating the building.

The General Assembly finds that if the City of Florence is to be permitted to undertake this project, Section 7 of Article VIII and Section 5 of Article X of the State Constitution must be amended so as to exclude from the provisions and limitations thereof the indebtedness incurred by the City of Florence for such purpose. On this basis the General Assembly proposes to submit to the qualified electors of the State at the next general election the question of whether Section 7 of Article VIII and Section 5 of Article X of the State Constitution should be so amended.

SECTION 2. Amendment to Section 7, Article VIII, State Constitution, proposed—bonded indebtedness of City of Florence to Florence County or agency thereof.—It is proposed that Section 7 of Article VIII and Section 5 of Article X of the Constitution of this State be amended by adding at the end thereof the following: "*Provided*, that the provisions of Section 7 of Article VIII requiring an election and the provisions of Section 7 of Article VIII and Section 5 of Article X of the Constitution of this State relating to the extent to which indebtedness may be incurred shall not apply to any obligation of the City of Florence to Florence County or to any agency of Florence County resulting from a long-term lease of a portion of a multi-storied office building to be erected by Florence County for the purpose of providing courthouse, jail, city hall, office and related facilities for Florence County and for the City of Florence and for other governmental agencies, pursuant to which the full faith and credit of the City of Florence is pledged to the payment of rent and other obligations under such lease, and the indebtedness and obligations so incurred shall not be considered in determining the power of the City of Florence to incur other bonded indebtedness, nor shall they affect or limit the power of Florence County or any political subdivision of the County or State covering or extending over any

portion of the territory of the City of Florence to incur bonded indebtedness.”

SECTION 3. Submission to electors.—The proposed amendment shall be submitted to the qualified electors at the next general election for representatives. Ballots shall be provided at the various voting precincts with the following words printed or written thereon: “Shall Section 7 of Article VIII and Section 5 of Article X of the Constitution of this State be amended so as to exclude therefrom obligations of the City of Florence to Florence County or any agency thereof under a long-term lease obligating the City of Florence to pay rent for its share of the cost of constructing, maintaining, improving and enlarging a multistoried building to be constructed by Florence County for the purpose of providing courthouse, jail, city hall, office and related facilities for Florence County and for the City of Florence and for other governmental agencies?”

In favor of the amendment ☐

Opposed to the amendment ☐

Those voting in favor of the amendment shall deposit a ballot with a check or cross mark in the square after the words ‘In favor of the amendment’, and those voting against the amendment shall deposit a ballot with a check or cross mark in the square after the words ‘Opposed to the amendment’.”

Ratified the 17th day of March, 1966.

(R885, H2205)

No. 1271

A Joint Resolution Proposing An Amendment To Section 13 Of Article II Of The Constitution Of South Carolina, 1895, Relating To Special Elections For Bonding Municipalities, So As To Permit The City Of Florence To Incur Obligations To Florence County, Or To Any Agency Thereof, Under A Lease Of A Portion Of A Multi-Storeid Office Building To Be Constructed By Florence County For The Purpose Of Providing Courthouse, Jail, City Hall, Office And Related Facilities For Florence County And For The City Of Florence And For Other Governmental Agencies, Without Observing The Requirements For The Petition And Election Required By Section 13 Of Article II.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Findings of General Assembly.—The General Assembly takes note of the fact that, by legislation, in pari materia, provision has been made for the construction by Florence County of a multipurpose, high-rise building intended to provide courthouse, jail, city hall, office and related facilities for Florence County and the City of Florence.

In connection with this project the City of Florence will be required to enter into a long-term lease, under which it must obligate itself and pledge its full faith and credit therefor, to pay over a period of time of long duration as rent its share of the cost incurred by Florence County in constructing, enlarging, improving, maintaining and operating the building.

The General Assembly finds that such an obligation would partake of the nature of bonded indebtedness and that it is desirable that the provisions of Section 13 of Article II of the State Constitution be amended so as to permit such action by the City of Florence without the petition and election otherwise required by Section 13 of Article II. On this basis the General Assembly proposes to submit to the qualified electors of the State at the next general election the question of whether Section 13 of Article II of the State Constitution should be so amended.

SECTION 2. Amendment to Section 13, Article II, State Constitution, proposed—City of Florence may incur obligation to Florence County or agency thereof.—It is proposed that Section 13 of Article II of the Constitution of this State be amended by adding at the end thereof the following: "*Provided*, that the provisions of this section requiring a petition of the freeholders and the holding of an election shall not apply to any obligation incurred by the City of Florence to Florence County or to any agency of Florence County resulting from a long-term lease of a portion of a multistoried office building to be erected by Florence County for the purpose of providing courthouse, jail, city hall, office and related facilities for Florence County and for the City of Florence and for other governmental agencies, pursuant to which the full faith and credit of the City of Florence is pledged to the payment of rent and other obligations under such lease.

SECTION 3. Submission to electors.—The proposed amendment shall be submitted to the qualified electors at the next general election

for representatives. Ballots shall be provided at the various voting precincts with the following words printed or written thereon: "Shall Section 13 of Article II of the Constitution of this State be amended so as to permit the City of Florence to incur obligations to Florence County or to any agency of Florence County under a long-term lease of a portion of a multistoried building to be erected by Florence County for the purpose of providing courthouse, jail, city hall, office and related facilities for Florence County and for the City of Florence and for other governmental agencies, pursuant to which the full faith and credit of the City of Florence is pledged to the payment of rents and other obligations under such lease, without the petition of the freeholders and the election required by Section 13 of Article II?"

In favor of the amendment ☐

Opposed to the amendment ☐

Those voting in favor of the amendment shall deposit a ballot with a check or cross mark in the square after the words 'In favor of the amendment', and those voting against the amendment shall deposit a ballot with a check or cross mark in the square after the words 'Opposed to the amendment'."

Ratified the 17th day of March, 1966.

(R886, H2206)

No. 1272

A Joint Resolution Proposing An Amendment To Section 6 Of Article X Of The Constitution Of South Carolina, 1895, Relating To The Purposes Which Bonded Indebtedness May Be Incurred By Political Subdivisions, So As To Permit Florence County To Incur Bonded Indebtedness To Construct A Multipurpose Building To Be Utilized By Florence County, The City Of Florence And Other Governmental Agencies.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Findings of General Assembly.—The General Assembly takes note of the fact that, by legislation, in pari materia, provision has been made for the construction by Florence County of a multipurpose, high-rise building intended to provide courthouse, jail, city hall, office and related facilities for Florence County and the City of Florence.

The General Assembly finds that if Florence County is to be permitted to undertake the project, Section 6 of Article X of the State Constitution must be appropriately amended. On this basis the General Assembly proposes to submit to the qualified electors of the State at the next general election the question of whether Section 6 of Article X of the State Constitution should be so amended.

SECTION 2. Amendment to Section 6, Article X, State Constitution, proposed—Florence County may incur bonded indebtedness for improvements.—It is proposed that Section 6 of Article X of the Constitution of this State be amended by adding at the end thereof the following: “*Provided*, that notwithstanding the limitations of this section, the General Assembly may, by legislation heretofore or hereafter enacted, authorize Florence County to construct and thereafter operate, maintain, improve and enlarge a multipurpose building in order to provide courthouse, jail, city hall, office and related facilities for Florence County and for the City of Florence and for other governmental agencies, and to incur bonded indebtedness therefor and to incur obligations with respect to the operation and maintenance thereof.”

SECTION 3. Submission to electors.—The proposed amendment shall be submitted to the qualified electors at the next general election for representatives. Ballots shall be provided at the various voting precincts with the following words printed or written thereon: “Shall Section 6 of Article X of the Constitution of this State be amended so as to permit Florence County to construct and thereafter operate, maintain, improve and enlarge a multipurpose building in order to provide courthouse, jail, city hall, office and related facilities for Florence County and for the City of Florence and for other governmental agencies, and to incur bonded indebtedness therefor and to incur obligations with respect to the operation and maintenance thereof?”

In favor of the amendment ☐

Opposed to the amendment ☐

Those voting in favor of the amendment shall deposit a ballot with a check or cross mark in the square after the words ‘In favor of the amendment’, and those voting against the amendment shall deposit a ballot with a check or cross mark in the square after the words ‘Opposed to the amendment’.”

Ratified the 17th day of March, 1966.

(R887, H2208)

No. 1273

A Joint Resolution Proposing An Amendment To Section 5 Of Article X Of The Constitution Of South Carolina, 1895, Relating To The Limit Of Bonded Indebtedness Of Political Subdivisions, So As To Exclude From The Limitations Thereof Bonded Indebtedness And Other Obligations Incurred By Florence County In Connection With The Construction, Improving, Enlarging And Maintenance Of A Multipurpose Building To Provide Courthouse, Jail, City Hall, Office And Related Facilities For Florence County And The City Of Florence.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Findings of General Assembly.—The General Assembly takes note of the fact that, by legislation, in pari materia, provision has been made for the construction by Florence County of a multipurpose, high-rise building intended to provide courthouse, jail, city hall, office and related facilities for Florence County and the City of Florence.

The General Assembly finds that, if Florence County is to be permitted to undertake the project, Section 5 of Article X of the State Constitution must be amended so as to exclude from the limitations thereof bonded indebtedness incurred for such purpose and obligations assumed for the maintenance thereof. On this basis the General Assembly proposes to submit to the qualified electors of the State at the next general election the question of whether Section 5 of Article X of the State Constitution should be so amended.

SECTION 2. Amendment to Section 5, Article X, State Constitution, proposed—bonded indebtedness of Florence County.—It is proposed that Section 5 of Article X of the Constitution of this State be amended by adding at the end thereof the following: "*Provided*, that the limitations imposed by this section shall not apply to bonded indebtedness incurred by Florence County for the purpose of constructing, improving and enlarging a multipurpose building in order to provide courthouse, jail, city hall, office and related facilities for Florence County and the City of Florence and for other governmental agencies, or to obligations assumed by Florence County with respect to the maintenance and operation thereof, and the indebtedness and obligations so incurred shall not be considered in determining the power of Florence County to incur other bonded indebtedness, nor shall they affect or limit the power

of other political subdivisions or municipal corporations of the county or State covering or extending over any portion of the territory of Florence County to incur bonded indebtedness.”

SECTION 3. Submission to electors.—The proposed amendment shall be submitted to the qualified electors at the next general election for representatives. Ballots shall be provided at the various voting precincts with the following words printed or written thereon: “Shall Section 5 of Article X of the Constitution of this State be amended so as to exclude therefrom bonded indebtedness of Florence County incurred for the purpose of constructing, improving and enlarging a multipurpose building in order to provide courthouse, jail, city hall, office and related facilities for Florence County and for the City of Florence and for other governmental agencies, and obligations assumed by Florence County with respect to the maintenance and operation thereof?”

In favor of the amendment ☐

Opposed to the amendment ☐

Those voting in favor of the amendment shall deposit a ballot with a check or cross mark in the square after the words ‘In favor of the amendment’, and those voting against the amendment shall deposit a ballot with a check or cross mark in the square after the words ‘Opposed to the amendment’.”

Ratified the 17th day of March, 1966.

(R984, H2391)

No. 1274

An Act To Exempt Certain Property In Florence County From Taxation.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Manufacturing establishment in Florence County exempt from taxes.—The manufacturing establishment which first acquires the building and land formerly occupied by the Dynalectron Corp. at Lake City in Florence County shall be exempt from all county taxes except for school purpose for five years from the date it acquires such property.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 13th day of April, 1966.

(R991, H2404)

No. 1275

An Act To Authorize The Board Of Trustees Of School District No. 3 Of Florence County To Borrow Not Exceeding Two Hundred Thousand Dollars For General School Purposes.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. School District 3, Florence County, may borrow money.—The Board of Trustees of School District No. 3 of Florence County is authorized to borrow not exceeding two hundred thousand dollars from the Division of General Services of the State Budget and Control Board or from any private lending institution at the best available rate of interest for general school purposes. The indebtedness shall be evidenced by a note signed by the chairman of the board of trustees after resolution has been passed by a majority of the members of the board. The note shall be payable in five equal annual installments with interest thereon not to exceed four per cent per annum.

For the payment of the principal and interest of the note, the full faith, credit and taxing power of Florence County are irrevocably pledged.

Should there be default in any payment of the indebtedness to the Division of General Services of the State Budget and Control Board authorized hereby, the State Treasurer shall withhold any funds accruing to the school district and transmit them to the Division of General Services.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 13th day of April, 1966.

(R1119, H2514)

No. 1276

An Act To Amend Act No. 1007 Of The Acts And Joint Resolutions Of The General Assembly Of 1960, As Amended, Creating The Lynches Lake-Camp Branch Watershed Conservation District In Florence County, By Extending The Right Of Eminent Domain To Include Lands Lying Either Within Or Without The Boundaries Of The District.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Act 1007 of 1960 amended—right of eminent domain extended.—Act No. 1007 of 1960, as amended, is further amended in subsection (a) of Section 9 by adding the following words immediately after “rights-of-way” in line 4: “lying either within or without the boundaries of the watershed conservation district”. When so amended subsection (a) of Section 9 shall read as follows:

“(a) To acquire, by purchase, exchange, lease, gift, grant, bequest, devise, or otherwise, or through condemnation proceedings in the manner provided in Chapter 2 of Title 25, Code of Laws of South Carolina, 1962, such lands, easements, or rights-of-way lying either within or without the boundaries of the watershed conservation district as are needed to carry out any authorized purpose of the watershed conservation district; and to sell, lease, or otherwise dispose of any of its property or interests therein in furtherance of the purposes and provisions of this act;”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 4th day of May, 1966.

(R1235, H1949)

No. 1277

An Act To Make Appropriations For Ordinary County Purposes For Florence County For The Fiscal Year Beginning July 1, 1966, And Ending June 30, 1967; To Provide For the Expenditure Thereof; To Levy A Tax For The Payment Thereof; To Validate Certain Actions; To Add Section 14-1968.7 To The Code Of Laws Of South Carolina, 1962, So As To Authorize Reimbursement Of Traveling Expenses Of County Employees Under Certain Conditions; And To Provide For A System of County Government For Florence County And Define Its Powers And Duties.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. The following sums of money are hereby appropriated for the purposes herein set forth for Florence County for the period beginning July 1, 1966, and ending June 30, 1967, and the Auditor of Florence County is hereby authorized to levy, and the Treasurer to

collect, for the calendar year 1966 upon all the taxable property in the county a tax of sixteen and one-half mills to defray the same:

Item 1. Roads, Bridges and Chain Gang:

- | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------|--------------|
| (a) Gasoline, fuel, fuel oil, oil and grease | \$ 30,000.00 |
| (b) Labor: | |
| Road Supervisor, 15-E | 5,325.00 |
| Farm Supervisor, 12-B+ | 4,095.00 |
| Custodian of the records of the county chain
gang, to be assigned such other duties as the
county manager may desire performed, 3-C .. | 2,830.00 |
| Mechanic Supervisor, 11-C+ | 4,095.00 |
| Night Guard, 10-C+ | 4,016.38 |
| Guard-Supervisor, 10-D+ | 4,095.00 |
| Guard-Supervisor, 10-D+ | 4,095.00 |
| Guard-Supervisor, 10-C+ | 3,915.00 |
| Guard-Supervisor, 10-D+ | 4,095.00 |
| Guard-Supervisor, 10-D+ | 4,175.00 |
| Guard-Supervisor, 10-D+ | 4,095.00 |
| Road Machine Operator, 11-B+ | 3,915.00 |
| Road Machine Operator, 11-C+ | 4,095.00 |
| Road Machine Operator, 11-B+ | 3,915.00 |
| Road Machine Operator, 11-C+ | 4,095.00 |
| Road Machine Operator, 11-C+ | 4,117.50 |
| Road Machine Operator, 11-C+ | 4,092.00 |
| Road Machine Operator, 11-B+ | 3,915.00 |
| Road Machine Operator, 11-B+ | 3,983.00 |
| Road Machine Operator, 11-C+ | 4,095.00 |
| Road Machine Operator, 11-B+ | 4,095.00 |
| Road Machine Operator, 11-C+ | 3,915.00 |
| (c) Food and clothing | 60,000.00 |
| (d) Supplies, lumber, hardware, repairs, electricity,
telephone and incidentals | 40,000.00 |
| (e) Hospitalization, drugs, medicines, special medi-
cal treatment and veterinarian | 3,600.00 |
| (f) County Physician (Salary, \$2,400.00; office sup-
plies and drugs, \$300.00) | 2,700.00 |
| <i>Provided</i> , the county physician shall be one of
the examining physicians in all lunacy examina-
tions conducted in Florence County. | |
| <i>Provided</i> , that all payments from items (a) | |

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through (f), inclusive, shall be made by voucher and not by cash.

(g) Repairs to equipment	65,000.00
(h) Pipe for bridges	25,000.00
(i) New Equipment	40,000.00
(j) Cold patch materials	10,000.00

Total, Item 1	\$365,363.88
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Item 2. Governing Board:

(a) Chairman, Governing Board	\$ 3,600.00
(b) Eight members, Governing Board @ \$3,200.00 each	25,600.00

Provided, that the commissioners are authorized and requested to assist the county manager in maintaining the county roads and in constructing and in paving farm-to-market roads in their respective districts.

(c) Expenses and mileage, Governing Board, seven members @ \$75.00 per month	6,300.00
(d) Secretary-Bookkeeper, 12-A	3,900.00
(e) Bookkeeper, 11-A	3,720.00
(f) County Manager	10,000.00
(g) County Attorney	2,400.00
(h) Courthouse—heat, lights, etc.	16,000.00
(i) Courthouse Custodian, 3-D	2,965.00
(j) Printing and postage	15,000.00
(k) Premium on bonds	1,000.00

Provided, that each magistrate, constable and deputy sheriff shall give a surety bond in the penal sum of not less than one thousand dollars, such undertakings to be approved by the governing board of the county, and the cost of the bonds to be borne by the above item of one thousand dollars.

(l) Miscellaneous funds	10,800.00
<i>Provided</i> , that \$800.00 of the foregoing sum shall be allocated to county manager's expenses.	
(m) Clerk to Legislative Delegation, 7-A	3,110.00

Provided, that the clerk to the legislative delegation shall also perform such duties as are required by the City-County Building Commis-

sion and shall serve as the recording secretary thereof.

(n) Social Security—Administration	17,500.00
(o) S. C. Retirement System	37,000.00
(p) Office expense, Florence Magistrate	600.00
(q) Delegation office expense	600.00

Total, Item 2\$160,095.00

Item 3. Sheriff's Office:

(a) Sheriff, salary	\$ 9,000.00
<i>Provided</i> , that the deputies serving any civil process shall receive mileage fees paid therefor by parties securing service. <i>Provided</i> , further, that the Sheriff of Florence County shall mark a sufficient number of automobiles as provided herein to be readily identifiable as law enforcement vehicles and shall, by utilizing the personnel assigned to him, perform regular nightly patrols of the rural areas of the county.	
(b) Radio equipment and maintenance, Sheriff's Office	1,850.00
(c) Deputy Sheriffs:	
Chief Deputy, 14-F	5,325.00
Chief Investigator, 14-F	5,325.00
Deputy Sheriff, 14-D	4,900.00
Deputy Sheriff, 14-D	4,900.00
Deputy Sheriff, 14-D	4,900.00
Deputy Sheriff, 14-D	4,900.00
Deputy Sheriff, 14-D	4,900.00
Deputy Sheriff, 14-D	4,900.00
Deputy Sheriff, 14-D	4,900.00
Deputy Sheriff, 14-D	4,900.00
Deputy Sheriff, 14-D	4,900.00
Deputy Sheriff, 14-C	4,680.00
(d) Vehicle maintenance and supplies	15,000.00
<i>Provided</i> , that from the funds above appropriated there shall be furnished the necessary supplies and repairs to maintain the vehicles as provided herein for law enforcement conducted by the Sheriff of Florence County.	

(e)	Identification Officer, 12-E	2,597.00
	<i>Provided</i> , he shall be under the control of the Sheriff of Florence County and the Chief of Police of the City of Florence, and that the City of Florence shall provide additional compensation commensurate with the grade level of this position.	
(f)	Clerk to Sheriff, 7-C	3,400.00
(g)	Office expense for Sheriff	300.00
	<i>Provided</i> , that so much of the foregoing as is necessary shall be used for procuring information in criminal prosecutions.	
(h)	Radio Repairman	1,110.00
	Total, Item 3	\$ 92,687.00
Item 4. Treasurer's Office:		
(a)	Treasurer, salary (County's share, \$5,423.00)	\$ 10,000.00
(b)	Bookkeeper, 12-A	3,900.00
(c)	Clerk II, 5-E	3,400.00
(d)	Clerk II, 5-E (part-time)	3,400.00
	<i>Provided</i> , that so much of the funds appropriated by this item shall be utilized on the basis of the above full-time salary for such services as may be performed by the person filling this position.	
(e)	Expenses, mailing tax notices	1,800.00
(f)	Interest—Road Bonds	17,600.00
(g)	Principal and interest—Florence-Darlington Technical Education Committee obligation	54,000.00
	Total, Item 4	\$ 94,100.00
Item 5. Magistrates:		
	Magistrate—Florence	\$ 4,719.00
	Clerk to Magistrate—Florence, 7-E	3,720.00
	Magistrate—Timmonsville	3,025.00
	Clerk to Magistrate—Timmonsville	1,260.00
	Magistrate—Lake City	3,025.00
	Clerk to Magistrate—Lake City	2,102.00
	Magistrate—Pee Dee and Hannah	1,476.00
	Magistrate—Evergreen	2,178.00
	Magistrate—Olanta	3,025.00

Clerk to Magistrate—Olanta	1,260.00
Magistrate—Johnsonville	2,178.00
Magistrate—Pamplico	2,178.00
Magistrate—Coward	1,815.00
Total, Item 5	\$ 31,961.00
Item 6. Constables:	
Two Constables—Florence	\$ 7,260.00
Constable—Timmons ville	3,025.00
Constable—Pamplico	2,178.00
Constable—Olanta	3,025.00
Constable—Lake City	3,025.00
Constable—Evergreen	2,178.00
Constable—Johnsonville	2,178.00
Constable—Pee Dee and Hannah	1,476.00
Constable—Coward	1,815.00
Total, Item 6	\$ 26,160.00
Item 7. Coroner's Office:	
(a) Coroner, salary	\$ 4,000.00
(b) Travel expense for Coroner	1,980.00
(c) Coroner's expense for performance of autopsies only	1,500.00
(d) Stenographic assistance, inquests	250.00
Total, Item 7	\$ 7,730.00
Item 8. Judge of Probate's Office:	
(a) Judge of Probate, salary	\$ 10,000.00
(b) Administrative Assistant, 12-B	4,080.00
(c) Clerk III, 6-C	3,250.00
Total, Item 8	\$ 17,330.00
Item 9. Auditor's Office:	
(a) Auditor, salary (County's share \$5,423.00) ..	\$ 10,000.00
(b) Auditor, travel	300.00
(c) Administrative Assistant, 12-A	3,900.00
(d) Clerk II, 5-F	3,550.00
(e) Clerk II, 5-C	3,110.00
(f) Clerk II, 5-B	2,965.00
(g) Clerk II, 5-B	2,965.00

Provided, that the person who is employed to occupy this position shall work part time for the auditor and part time for the treasurer, and shall be paid according to the amount of work performed.

(h) Clerk II, 5-A 2,830.00

Total, Item 9 \$ 29,620.00

Item 10. Tax Assessor's Office:

(a) Tax Assessor, salary \$ 6,600.00

(b) Tax Assessor, travel 1,200.00

(c) Clerk, 5-C 3,100.00

(d) Board of Assessment Control, @ \$60.00 each per month 4,320.00

(e) Chairman, Board of Assessment Control, \$65.00 per month 780.00

(f) Rural Property Appraiser 5,200.00

(g) Rural Property Appraiser, travel 1,200.00

(h) Residential and Commercial Property Appraiser 5,200.00

(i) Residential and Commercial Property Appraiser, travel 1,200.00

(j) H. L. Yoh & Co., annual payment 85,493.10

Total, Item 10 \$114,293.10

Item 11. Delinquent Tax Collector's Office:

(a) Delinquent Tax Collector, salary \$ 10,000.00

(b) Clerk III, ~~6-F~~ 3,720.00

(c) Clerk II, 5-B (Part-time) 1,600.00

(d) Extra clerical help—preparation of tax books and notices 2,000.00

(e) Tax Collector, travel 600.00

(f) Office supplies—notices, printing and postage 3,000.00

Total, Item 11 \$ 20,920.00

Item 12. County Jail:

(a) County Jailer, 9-C \$ 3,420.00

(b) Assistant County Jailer, 8-C 3,550.00

(c) Jail—dieting prisoners 10,000.00

Total, Item 12 \$ 16,970.00

Item 13. County Agent's Office:

(a) County Agent, salary supplement	\$ 1,700.00
<i>Provided</i> , that the county agent shall serve in an administrative capacity with the Florence County Resources Development Committee.	
(b) Assistant County Agents—five @ \$360.00, salary supplement	1,800.00
(c) Home Demonstration Agent, salary supplement	350.00
(d) Home Demonstration Agent, telephone	175.00
(e) Home Demonstration Agent, supplies	250.00
(f) Assistant Home Demonstration Agent, salary ..	2,640.00
(g) 4-H Club Work	400.00
(h) J. H. A. (Junior Homemakers)	200.00
(i) Associate County Agent, salary supplement ..	462.00
(j) Associate County Agent, demonstrational materials	50.00
(k) Associate Home Demonstration Agent, salary supplement	792.00
(l) Assistant Home Demonstration Agent, salary ..	2,400.00
(m) Secretary to serve four Assistant and Associate Agents, salary	1,800.00
(n) Associate Home Demonstration Agent, demonstrational materials and telephone	275.00
(o) Agricultural Building, expense	3,000.00
<i>Provided</i> , the rents from the Agricultural Building shall be applied on maintenance.	
(p) Florence Soil Conservation District	650.00
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Total, Item 13	\$ 16,944.00

Item 14. Charities:

(a) Florence County Department of Public Welfare:	
Local Administration	\$ 1,800.00
Child Welfare Unit	1,920.00
Boarding home care for children in foster homes ..	300.00
Emergency fund	2,300.00
Board members	1,800.00
<i>Provided</i> , that members of the board of the Department of Public Welfare shall receive the sum of \$50.00 per month and shall be required to meet at least once each week to conduct the business	

and supervise the functions of the Welfare Department.

Total (a)	\$ 8,120.00
(b) Charity Hospital Cases	\$ 23,000.00
<i>Provided</i> , that this amount shall be apportioned and disbursed in twelve monthly installments not to exceed two thousand dollars per installment. <i>Provided</i> , further, that none of these funds shall be expended on cases outside of Florence County.	
(c) Medicine for charity cases, to be disbursed upon recommendation of attending physicians.	3,500.00
(d) Salvation Army	1,500.00
(e) Foster Children's Home	7,000.00
(f) Florence County Foster Home	4,000.00
Total, Item 14	\$ 47,120.00
Item 15. (a) County Health Department:	
Health Officer, I, salary	\$ 4,324.00
Health Officer I, travel	1,080.00
Sanitarian I, travel	1,080.00
Sanitarian II, salary	98.00
Sanitarian II, travel	1,080.00
Health Educator I, salary	5,367.00
Health Educator I, travel	1,080.00
Co. P. H. Nursing Supv., salary	44.00
Co. P. H. Nursing Supv., travel	1,080.00
P. H. Nurse II, salary	71.00
P. H. Nurse II, salary	4,525.00
P. H. Nurse II, travel	1,080.00
P. H. Nurse II, salary	4,525.00
P. H. Nurse II, travel	1,080.00
P. H. Nurse II, salary	215.00
P. H. Nurse II, travel	1,080.00
P. H. Nurse II, salary	206.00
P. H. Nurse II, travel	1,080.00
P. H. Nurse III, salary	4,427.00
P. H. Nurse III, travel	1,080.00
P. H. Nurse II, salary	4,328.00
P. H. Nurse II, travel	1,080.00
P. H. Nurse I, salary	4,032.00

P. H. Nurse I, travel	1,080.00
P. H. Nurse I, salary	3,836.00
P. H. Nurse I, travel	1,080.00
P. H. Nurse I, salary	3,836.00
P. H. Nurse I, travel	1,080.00
P. H. Nurse I, salary	3,836.00
P. H. Nurse I, travel	1,080.00
Clerk II & X-ray, salary	3,653.00
Contingent	4,000.00
Tuberculosis drugs	2,000.00
Maintenance	11,360.00
	<hr/>
	\$ 80,883.00

Provided, that the amounts herein enumerated for salary shall be paid in monthly payments according to a schedule which shall be approved by the County Board of Health and filed by the County Health Officer in the office of the Governing Board.

Provided, further, that no items listed for maintenance and contingencies shall be expended without written approval of the County Board of Health, said approval to be prior to the submission of vouchers to the County Governing Board.

Provided, further, that the amounts herein enumerated for travel shall be expended only upon written approval of the County Board of Health, at the rate of nine cents per mile so traveled, monthly, said approval to be prior to the submission of vouchers to the County Governing Board, not to exceed the amount so appropriated.

Provided, further, that the County Health Officer shall act with the county physician in all lunacy examinations and shall administer and give all smallpox vaccinations and anti-typhoid serum, in addition to all general duties of the County Health Officer.

Provided, further, that the sum enumerated for tuberculosis drugs shall be utilized for outpatient treatment.

Provided, further, that one Public Health Nurse shall be assigned to each Health Center in the

county on a regular schedule to be approved by the County Board of Health; *provided*, further, that unless and until the Chairman of the Florence County Board of Health shall certify to the Treasurer of Florence County that the foregoing has been accomplished, none of the funds appropriated in this section shall be disbursed by the Treasurer of Florence County.

- (b) Mental Health Clinic \$ 16,494.38
Provided, that matching funds are supplied by the State of South Carolina, the Federal Government and Darlington County on the same ratio as in the past in an amount sufficient to demand this expenditure.

Total, Item 15 \$ 97,377.38

Item 16. National Guard Units:

- (a) Lake City National Guard \$ 1,200.00
 (b) Florence National Guard 1,400.00
 (c) Timmons ville National Guard 980.00

Total, Item 16 \$ 3,580.00

Item 17. Courts:

- (a) Civil Court of Florence—jurors and expenses . \$ 10,000.00
 (b) Judge's salary 15,000.00
 (c) Civil Court Stenographer 400.00
 (d) Civil Court Judge's Secretary and Court Stenographer 5,600.00
 (e) Contingent Fund for Civil Court 200.00
 (f) Jurors and Witnesses, Circuit Court 25,000.00
 (g) Expenses, Stenographer, Court of Common Pleas and General Sessions 400.00
 (h) Master in Equity 10,000.00
 (i) Clerk III, 6-E 3,720.00
 (j) Probation Officers, 2 @ \$330.00 660.00
 (k) Clerk to Probation Officer 330.00
 (l) Phone for Probation Officer 122.00
 (m) Expenses, Resident Circuit Judge 1,500.00
 (n) Clerk—Resident Circuit Judge—Florence County share 1,260.00

(o) Maintenance of County Law Library	1,500.00
(p) Solicitor, expenses	1,800.00
(q) Clerk of Court	10,000.00
(r) Deputy Clerk of Court	6,000.00
(s) Administrative Assistant, 12-E	4,680.00
(t) Clerk III, 6-F	3,720.00
(u) Clerk II, 5-B	2,965.00
Total, Item 17	\$104,857.00
Item 18. County Service Officer:	
(a) Secretary, salary (County's share)	\$ 2,050.00
(b) Expenses, County Service Officer	400.00
(c) Salary supplement, County Service Officer ..	642.00
Total, Item 18	\$ 3,092.00
Item 19. Election Commission	\$ 450.00
<i>Provided</i> , this sum is to be paid for expenses, and mileage, and is to be paid quarterly.	
Total, Item 19	\$ 450.00
Item 20. Florence County Higher Education Commission	\$ 33,100.00
<i>Provided</i> , that all fees charged by the University of South Carolina for any purpose shall be paid for by the tuition of the students enrolled in the University of South Carolina Extension Branch at Florence.	
Total, Item 20	\$ 33,100.00
Item 21. Florence County Historical Commission	\$ 7,500.00
Total, Item 21	\$ 7,500.00
Item 22. County Recreation Department:	
(a) Director's salary	\$ 5,280.00
(b) Director's travel	1,200.00
(c) Office expenses and postage	310.00
(d) Officiating	125.00
(e) Program supplies	2,000.00
(f) Program activities	2,500.00
(g) Contingent fund	65.00
(h) Maintenance and construction of lighting fa- cilities	850.00

(i) Summer helpers	2,800.00
(j) Summer helpers—travel	200.00
(k) Secretary	350.00
(l) City of Florence Recreation Department	2,500.00
Total, Item 22	\$ 18,180.00
Item 23. Insurance on County Employees	\$ 3,200.00
Total, Item 23	\$ 3,200.00
Item 24. Insurance on County Buildings	\$ 1,200.00
Total, Item 24	\$ 1,200.00
Item 25. Workmen's Compensation Premiums	\$ 4,000.00
Total, Item 25	\$ 4,000.00
Item 26. Annual Audit of County	\$ 2,750.00
<i>Provided</i> , that ALL offices in the Courthouse shall be audited, such audit to include all moneys received by such officers, including fines, fees and collections.	
Total, Item 26	\$ 2,750.00
Item 27. County Ranger	\$ 600.00
Total, Item 27	\$ 600.00
Item 28. Florence County Registration Board	\$ 2,000.00
Total, Item 28	\$ 2,000.00
Item 29. Civil Defense Director—Federal matching funds \$	5,200.00
<i>Provided</i> , that the Director shall receive a salary of \$6,000.00 and that the same shall be pro rata shared by the existing State Civil Defense Agency.	
Civil Defense Director—travel	\$ 900.00
Contingent Fund for purchase of Civil Defense equipment	800.00
Lake City Rescue Squad	700.00
Pamplico Rescue Squad	700.00
Scranton Rescue Squad	700.00
Johnsonville Rescue Squad	700.00
Lake City Rural Fire Department	750.00

Scranton Rural Fire Department	700.00
Johnsonville Rural Fire Department	700.00
Pamplico Rural Fire Department	700.00
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Total, Item 29	\$ 12,550.00
Item 30. Civil Air Patrol, Florence	\$ 2,367.00
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Total, Item 30	\$ 2,367.00
Item 31. Florence County Industrial Loan and Develop- ment Commission	\$ 25,000.00
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Total, Item 31	\$ 25,000.00
Item 32. Florence-Darlington Technical Education Center, maintenance and operation	\$ 21,000.00
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Total, Item 32	\$ 21,000.00
Item 33. Florence Air and Missile Museum	\$ 3,000.00
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Total, Item 33	\$ 3,000.00
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SUB-TOTAL	\$1,387,097.36
Less State's share of salary of Auditor and Treasurer	\$ 9,154.00
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GRAND TOTAL	\$1,377,943.36

ESTIMATED REVENUE FROM THE STATE
OF SOUTH CAROLINA:

Alcoholic Liquors Tax	\$105,000.00
Beer and Wine Tax	26,000.00
Bank Tax	15,000.00
Income Tax	175,000.00
Insurance License Fees	92,000.00
Gasoline Tax	325,000.00
Service Officer	6,709.00
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TOTAL FROM STATE

\$744,709.00

ESTIMATED REVENUES FROM
COUNTY SOURCES:

Ad Valorem Property Tax	\$437,664.00
Magistrates' Fines	105,093.00

Clerk of Court Fines	6,346.00
Back Taxes and Execution Fees	24,085.00
Master in Equity Fees	4,728.00
Clerk of Court Fees	32,034.00
Judge of Probate Fees	8,680.00
Tax Assessor	2,164.00
Miscellaneous and Tax Collector	24,102.35

TOTAL FROM COUNTY\$644,896.35

GRAND TOTAL OF ESTIMATED REVENUE

FROM STATE AND COUNTY\$1,389,605.00

SECTION 2. The Treasurer of Florence County is hereby authorized, empowered and directed to pay the funds hereinabove appropriated out of any available funds in hand or that may be collected.

SECTION 3. Such officers of Florence County as are charged with the expenditure or disbursement of the above appropriations shall state upon each warrant drawn upon the county treasurer the item in the Appropriations Act on account of which the warrant shall have been drawn, and such disbursing officer shall not draw his warrant upon the county treasurer in any amounts, singly or in the aggregate, for more than has been appropriated for the specific purpose for which the warrant is drawn, except upon the written consent of all of the legislative delegation, and no warrant paid by the county treasurer shall be allowed as a credit to him in his settlement unless it conforms with the above requirements. *Provided*, the Governing Board of Florence County is hereby authorized to borrow the funds hereinabove appropriated and pledge therefor the taxes to be collected for 1966. *Provided*, further, that upon any matter which the Governing Board of Florence County is required to act in connection with the county's business and affairs, a majority of the board shall be sufficient. *Provided*, further, that all expenditures made and actions taken upon written authorizations of the Florence County Legislative Delegation are hereby validated.

SECTION 4. The governing board shall award the loan authorized in Section 3 to the lowest bona fide bidder, advertising for open bids in one or more newspapers, published in Florence County, at least ten days prior to awarding bids, and at the same time notify each bank in Florence County in writing the terms and conditions under which the bids are received. The proceeds of this loan shall be de-

posited with the successful bidder; *provided*, the successful bidder is an incorporated bank within the county of Florence, South Carolina; *provided*, further, that before depositing any funds of the county in any bank or banks, such bank or banks shall secure the safe deposit of such funds by depositing with the county treasurer a trust receipt certifying that securities in the amount of such deposit or deposits have been duly set aside in some bank or trust company to be approved by the county board and are being held in trust for Florence County to secure such deposit. *Provided*, further, that securities shall be bonds or obligations issued by the United States of America, the State of South Carolina, or some political or governmental subdivision thereof, either or both, or Federal Land Bank, or Joint Stock Land Banks, or Home Owners' Loan Bonds; *provided*, further, that the deposit so made and secured shall remain with the bank or banks receiving it until used for the purpose for which it was borrowed, and all other funds of the county not already pledged shall be deposited with such successful bidder or bidders.

SECTION 5. All road machinery, plows, equipment and supplies to be purchased by Florence County from the funds herein appropriated shall be bought for the most economical price from the State Purchasing Agent or the State Highway Department, or upon competitive sealed bids, after two weeks' advertisement for such bids in some newspaper best circulated to give notice to the trade, which advertisement shall designate the time and place at which the bids will be opened, and the bids shall be publicly opened at the time and place designated in the advertisement. *Provided*, further, that each member of the county delegation shall be notified by letter of the time and place of opening bids publicly. *Provided*, further, the county manager shall be allowed to purchase supplies up to and not exceeding \$500.00 without bids.

SECTION 6. No purchase shall be made for Florence County of any kind whatsoever from any members of the governing board or legislative delegation, or any relative of any member of the governing board or legislative delegation within the sixth degree, nor shall any member of the governing board or legislative delegation, or person related to a member of the governing board or legislative delegation within the sixth degree, enter into any contract by or with Florence County.

SECTION 7. The Clerk of Court for Florence County shall record all tax titles made to the Forfeited Land Commission for Florence

County from the delinquent tax collector, and the auditor of the county shall record the transfer thereof without charge, in part consideration of the compensation now received by these officers.

SECTION 8. The Treasurer of Florence County is hereby directed to pay the sum of \$110,000.00, which shall be received by the county treasurer by reason of a reimbursement agreement between the county and the State Highway Department, to the appropriate persons, to retire the existing road bonds heretofore sold as a result of said agreement. The payment shall be for the purpose of paying the principal of the bonds.

SECTION 9. The Treasurer of Florence County shall annually determine if any surplus funds exist which have been appropriated to the several departments and agencies of the county. Should any surplus exist he shall transfer it to a special account which shall be expended only on written authorization of a majority of the legislative delegation.

End of Part I

PART II

Permanent Provisions

SECTION 1. It is hereby declared to be the intent of the General Assembly that the following section shall constitute a part of the permanent laws of the State of South Carolina, and the Code Commissioner is hereby directed to include same in the next edition of the Code of Laws of South Carolina, and all supplements to the Code.

SECTION 2. Section 14-1968.7 is added to the Code of Laws of South Carolina, 1962, to read as follows:

“Section 14-1968.7. In the event any official or employee of Florence County should be required to travel or perform other works on behalf of the county beyond his domicile, and incurs any expense incident thereto for travel, subsistence or lodging, then he shall be reimbursed therefor upon the presentation of a warrant to the county treasurer, approved by the county board of commissioners; *provided*, however, that all such expenditures shall first be approved by the chairman of the county board of commissioners.”

End of Part II

PART III

Permanent Provisions

It is hereby declared to be the intent of the General Assembly that the following sections shall constitute a part of the permanent laws of the State of South Carolina, and the Code Commissioner is hereby directed to include same in the next edition of the Code of Laws of South Carolina, and all supplements to the Code.

SECTION 1. Effective July 1, 1966, there is hereby created for Florence County a system of county government which shall be known as the County Council of Florence County (council) and it shall have all the powers and duties as set forth hereinafter.

SECTION 2. The council shall be composed of nine members, as follows:

a. One shall be a resident of District No. 1, which seat shall be No. 1 of District No. 1. The initial term of this office shall end on December 31, 1970.

b. One shall be a resident of District No. 1, which seat shall be No. 2 of District No. 1. The initial term of this office shall end on December 31, 1970.

c. One shall be a resident of District No. 1, which seat shall be No. 3 of District No. 1. The initial term of this office shall end on December 31, 1968.

d. One shall be a resident of District No. 2. The initial term of this office shall end on December 31, 1968.

e. One shall be a resident of District No. 3. The initial term of this office shall end on December 31, 1968.

f. One shall be a resident of District No. 4. The initial term of this office shall end on December 31, 1970.

g. One shall be a resident of District No. 5. The initial term of this office shall end on December 31, 1970.

h. One shall be a resident of District No. 6. The initial term of this office shall end on December 31, 1970.

i. One shall be a resident of District No. 7. The initial term of this office shall end on December 31, 1968.

The initial members shall be appointed by the Governor upon the recommendation of a majority of the members of the legislative delegation and, thereafter each member shall be elected by the qualified electors of Florence County from his respective district for a term of four years and until his successor shall be elected and qualifies.

SECTION 3. The composition of the districts of Florence County shall be as follows:

(a) District No. 1. Florence No. 1, Florence No. 2, Florence No. 3, Florence No. 4, Florence No. 5, Florence No. 6, Florence No. 7, Florence No. 8, Quinby, Florence Railroad Shops, Back Swamp, Ebenezer and Coles Cross Roads.

(b) District No. 2. Claussen, Evergreen, Mars Bluff, Tans Bay and Greenwood.

(c) District No. 3. Timmons ville, Carterville, Glenwood, James Crossroad, Elim and Oak Grove.

(d) District No. 4. Olanta, Cowards No. 2, West; Salem, McAllisters Mills and Cowards No. 1, East.

(e) District No. 5. Pamplico, Hannah, Effingham and Friendfield.

(f) District No. 6. Lake City No. 1, Lake City No. 2, High Hill, McCutchen, Scranton, Liberty and Leo.

(g) District No. 7. Johnsonville, Kingsburg, Prospect, Stone and Vox.

SECTION 4. The council shall select one of its number as chairman for such term as the council may set. The council may designate a person to serve as clerk to the council to record its proceedings and perform such additional duties as the council may prescribe.

SECTION 5. Any vacancy on the council occurring before the expiration of a term shall be filled for the unexpired portion of the term by the same method as provided for the original holder of the office.

The council shall meet on the call of the chairman at least once a month and at such other times as may be necessary. It shall fix the salaries of its members; *provided*, that the salaries of the council members shall not be increased or reduced during the term of office of any incumbent. If any member of the council shall be engaged in travel in connection with his performance of county duties outside Florence County, he shall be entitled to such mileage, subsistence and per diem as allowed by law for members of boards, commissions and committees.

SECTION 6. All duties heretofore performed by the Governing Board of Florence County are hereby devolved upon the county council and the governing board is abolished.

SECTION 7. No provision of the council which levies a tax, appropriates money, incurs bonded indebtedness, or has the effect of

law shall be valid unless the provision shall have been read at three regular meetings of the council. All ordinances or resolutions of the council shall be published in full at least once in a newspaper of general circulation in the county, at least five days before the second reading thereof and at least five days before the effective date. All proceedings of the council shall be recorded, and annually all ordinances and resolutions passed during the preceding twelve months shall be printed and made available for distribution through the office of the council.

SECTION 8. Before becoming final every annual budget and the appropriation therefor of the council shall have attached thereto a certificate from the Comptroller General of the State of South Carolina and the Treasurer of Florence County that the total of the appropriations therein provided is not in excess of the estimated total revenue of the county for such purposes, including the revenue which may be provided in the appropriation, or in any other appropriation previously made, for the fiscal year to which the appropriation is applicable.

SECTION 9. In addition to the foregoing duties and powers, the county council is hereby empowered to legislate in reference to such matters of local concern within Florence County as herein provided, and shall have the following powers:

1. To adopt, use and alter a corporate seal.
2. (a) To acquire by purchase or gift real property in the name of Florence County.
(b) To acquire tangible personal property and supplies.
(c) To lease, sell or otherwise dispose of real and personal property in the name of Florence County, including all such property now owned by the county; *provided*, that no lease or sale shall be effected except upon sealed proposals after notice thereof be given by published advertisement at least once not less than seven days prior to the occasion fixed for the opening of bids.
3. To make contracts and to execute all instruments necessary or convenient for carrying out the functions committed to it.
4. To exercise the powers of eminent domain in the manner provided by the General Laws of the State of South Carolina for procedure by any county, municipality, or authority organized under the laws of this State, or by the South Carolina State Highway Department, or by railroad corporations, or in any manner provided by law, as the council may, in its discretion, elect.

5. To make appropriations and to levy taxes therefor for corporate purposes and for educational purposes, to build and repair public roads, buildings, and bridges, to maintain and support prisoners, pay jurors, county officers, and for litigation, quarantine and court expenses and for ordinary county purposes, to support paupers, and to pay past indebtedness, and any other powers necessary and incident to the operation of a county government.

6. To provide for the receipt, custody, allocation and disbursement of funds accruing to Florence County.

7. To provide within the county special services which are considered necessary to public health and welfare, and to collect service charges from the persons benefited which are at least sufficient to cover the expenses of providing the services.

8. To incur indebtedness in anticipation of the collection of taxes which have been levied.

9. To issue bonds pledging the faith and credit of Florence County for purposes authorized by and within the limits prescribed by the Constitution of the State of South Carolina, including educational purposes, to build and repair public roads, buildings and bridges, to maintain and support prisoners, pay jurors, county officers, and for litigation, quarantine and court expenses and for ordinary county purposes, to support paupers, and pay past indebtedness. Bonds issued pursuant to this section shall mature serially in such manner as the county council may provide. They may contain provisions permitting their redemption prior to their stated maturity at premium figures. The council shall also be empowered to determine the rates of interest the bonds may bear, the method of their execution and sale and all other matters incident to the proper issuance and delivery of the bonds. They shall be empowered to order the levy and collection of ad valorem taxes upon all taxable property in Florence County without limitation as to rate or amount sufficient to provide for the payment of the principal and interest of these bonds. Prior to the final adoption of any ordinance providing for the issuance of bonds pledging in any manner the taxing power of Florence County, the question of issuing such bonds shall be submitted to the qualified electors of Florence County at any general election, or at any special election ordered by the council for that purpose. Notice of the question to be voted upon shall be given by published advertisement thereof in a newspaper of general circulation in Florence County at least once a week for three successive weeks prior to the occasion of the election. If the question be submitted at a special election, the council

shall be empowered to fix the date of such election and shall, not less than fifteen days before the date so fixed, notify the Board of Election Commissioners for Florence County, who shall conduct the election, canvass the votes and announce the results of the election in the manner provided by law.

10. To enter into agreements on matters of local concern with agencies and instrumentalities of the Federal Government, the State Government, political subdivisions of the State, and educational, charitable and eleemosynary institutions.

11. To regulate, control and provide for the construction, maintenance, operation and use of public streets, roads, bridges, sidewalks, drains, courthouses, jails, buildings, prison farms, and other public improvements and facilities.

12. To prescribe methods of accounting for county officers and departments.

13. To supervise and regulate the various departments of the county, and to create such agencies and departments as may be deemed advisable, and to prescribe their duties and functions; and to alter or transfer the duties and functions of existing offices, agencies or departments.

14. To employ the County manager and all other county employees whose election by the people is not provided for by law, and to establish policies affecting the selection, appointment, compensation, dismissal and other matters in the control of the administrative employees of the county government.

15. To select and recommend a priority to roads to be paved by the South Carolina State Highway Department in the secondary paving program, on an equitable basis.

SECTION 10. There shall be employed annually a competent auditor to be appointed by a majority of the council to audit the books of Florence County. The work shall be done under the supervision of the council and the cost shall be determined by the council and paid out of ordinary county funds.

This act shall take effect upon approval by the Governor.

Approved the 16th day of May, 1966.

(R1438, H2608)

No. 1278

An Act To Amend Part III Of An Act Of 1966, Bearing Ratification No. 1235, Relating To The County Council Of Florence County, So As To Further Provide For Meetings Of The Council And The Issuance Of Bonds; And To Authorize The Governing Body Of Florence County To Grant Exclusive Ambulance Franchises And To Make It Unlawful To Operate Such A Service In A Franchised Area; And To Authorize The Treasurer Of Florence County To Borrow An Amount Not To Exceed Two Hundred Fifty Thousand Dollars To Be Used By The Florence-Darlington Technical Education Commission; And To Authorize The Treasurer Of Florence County To Borrow Not Exceeding Two Hundred Thousand Dollars For Industrial Acquisition And General Operating Purposes And Provide For The Payment Of The Loan; And To appropriate The Sum Of Ninety-Four Thousand Four Hundred Seventeen Dollars To Be Used For School Purposes In Florence County For The Fiscal Year 1966-1967.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 5, Part III, of Act 1277 of 1966 amended—meetings of council.—Section 5, Part III of an Act of 1966, bearing Ratification No. 1235 is amended by striking the first sentence of the second paragraph and inserting in lieu thereof the following: "The council shall hold regular meetings at least once a month on a fixed day and at such other times as may be necessary upon the call of the chairman." The section when amended shall read as follows:

"Section 5. Any vacancy on the council occurring before the expiration of a term shall be filled for the unexpired portion of the term by the same method as provided for the original holder of the office.

The council shall hold regular meetings at least once a month on a fixed day and at such other times as may be necessary upon the call of the chairman. It shall fix the salaries of its members; *provided*, that the salaries of the council members shall not be increased or reduced during the term of office of any incumbent. If any member of the council shall be engaged in travel in connection with his performance of county duties outside Florence County, he shall be entitled to such mileage, subsistence and per diem as allowed by law for members of boards, commissions and committees."

SECTION 2. Item 9 of Section 9, Part III, of Act 1277 of 1966, amended—bonds not to be voted on.—Item 9 of Section 9, Part III

of an Act of 1966 bearing Ratification No. 1235 is amended by changing the period to a comma and adding the following at the end of the third from the last sentence after the word purpose: "except those bonds which may be issued pursuant to a Joint Resolution of 1966, bearing Ratification No. 881, shall not be required to be voted upon." The item when amended shall read as follows:

"9. To issue bonds pledging the faith and credit of Florence County for purposes authorized by and within the limits prescribed by the Constitution of the State of South Carolina, including educational purposes, to build and repair public roads, buildings and bridges, to maintain and support prisoners, pay jurors, county officers, and for litigation, quarantine and court expenses and for ordinary county purposes, to support paupers, and pay past indebtedness. Bonds issued pursuant to this section shall mature serially in such manner as the county council may provide. They may contain provisions permitting their redemption prior to their stated maturity at premium figures. The council shall also be empowered to determine the rates of interest the bonds may bear, the method of their execution and sale and all other matters incident to the proper issuance and delivery of the bonds. They shall be empowered to order the levy and collection of ad valorem taxes upon all taxable property in Florence County without limitation as to rate or amount sufficient to provide for the payment of the principal and interest of these bonds. Prior to the final adoption of any ordinance providing for the issuance of bonds pledging in any manner the taxing power of Florence County, the question of issuing such bonds shall be submitted to the qualified electors of Florence County at any general election, or at any special election ordered by the council for that purpose, except those bonds which may be issued pursuant to a Joint Resolution of 1966, bearing Ratification No. 881, shall not be required to be voted upon. Notice of the question to be voted upon shall be given by published advertisement thereof in a newspaper of general circulation in Florence County at least once a week for three successive weeks prior to the occasion of the election. If the question be submitted at a special election, the council shall be empowered to fix the date of such election and shall, not less than fifteen days before the date so fixed, notify the Board of Election Commissioners for Florence County, who shall conduct the election, canvass the votes and announce the results of the election in the manner provided by law."

SECTION 3. Ambulance franchise.—The Governing Body of Florence County is authorized to grant an exclusive franchise to any

person for the purpose of operating an ambulance service in Florence County or any portion of the county, under such terms and conditions as shall be prescribed by the Florence County Governing Body or its successor, The Florence County Council.

SECTION 4. Franchise—public notice.—Such franchise as herein authorized shall be granted only after reasonable public notice and to only such person as may be bonded as required by the governing body.

SECTION 5. Ambulance service—when unlawful.—It shall be unlawful for any person to operate an ambulance service in any area of the county where an exclusive franchise for such purpose has been granted.

SECTION 6. Penalty.—Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not less than fifty dollars, none of which shall be suspended, nor more than one hundred dollars, or be imprisoned for not less than fifteen days nor more than thirty days.

SECTION 7. Florence County may borrow money.—The Treasurer of Florence County is authorized to borrow not exceeding two hundred fifty thousand dollars for use by the Florence-Darlington Technical Education Commission from the Division of Sinking Funds and Property. The amount borrowed shall be evidenced by a note to be executed by the treasurer of the county. The note shall bear interest at four per cent per annum from the date thereof and shall be payable in five successive, equal, annual instalments. The first instalment shall be paid twelve months from the date of the note. *Provided*, the borrowers reserve the right to anticipate the payment of part or all of the loan on any annual instalment date.

SECTION 8. Payment.—For the payment of the note the auditor shall levy and the treasurer shall collect an annual tax on all the taxable property of the county sufficient to retire the loan and interest due thereon, and the entire proceeds of such levy shall be applied to the payment of the note, inclusive of the interest in full, at which date the levy provided herein shall be terminated.

The full faith, credit and taxing power of the county are hereby irrevocably pledged to the payment of the indebtedness provided for.

SECTION 9. Default in payment.—Should there be default in the payment of any instalment, the State Treasurer is directed to with-

hold all State funds accruing to the county, which have not heretofore been pledged, for the payment of such instalment and shall transmit the funds so withheld to the Division of Sinking Funds and Property.

SECTION 10. Florence County may borrow money.—The Treasurer of Florence County is authorized to borrow not exceeding two hundred thousand dollars, if deemed necessary by the treasurer, for industrial acquisition and general operating purposes. The amount borrowed shall be evidenced by a note to be executed by the treasurer of the county. The note shall bear interest at four per cent per annum from the date thereof and shall be payable in five successive, equal, annual instalments. The first instalment shall be paid twelve months from the date of the note. *Provided*, the borrowers reserve the right to anticipate the payment of part or all of the loan on any annual instalment date.

SECTION 11. Payment.—For the payment of the note the auditor shall levy and the treasurer shall collect an annual tax on all the taxable property of the county sufficient to retire the loan and interest due thereon, and the entire proceeds of such levy shall be applied to the payment of the note, inclusive of the interest in full, at which date the levy provided herein shall be terminated.

The full faith, credit and taxing power of the county are hereby irrevocably pledged to the payment of the indebtedness provided for in this act.

SECTION 12. Default in payment.—Should there be default in the payment of any instalment, the State Treasurer is directed to withhold all State funds accruing to the county, which have not heretofore been pledged, for the payment of such instalment and shall transmit the funds so withheld to the Division of General Services.

SECTION 13. Appropriation.—The sum of ninety-four thousand four hundred seventeen dollars is hereby appropriated for educational purposes for Florence County for the fiscal year 1966-1967, and a tax of three and one-half mills to raise the sum is hereby levied upon all taxable property of Florence County, which sum shall be expended for the following purposes:

Item	I. Textbooks	\$ 41,614.00
Item	II. Circulating Library	5,200.00
Item	III. Supplies	500.00
Item	IV. County Board Expense	1,500.00

Item	V. County Superintendent's Office	5,700.00
Item	VI. County Superintendent	3,750.00
Item	VII. Caterers	11,160.00
Item	VIII. Hot Lunches—Needy Cases	3,500.00
Item	IX. Florence Co. Library (Consolidated)	21,493.00
<i>Provided</i> , that so much of the above as is necessary shall be expended for the establishment and maintenance of a Florence County Library System as provided by law.		

Total\$ 94,417.00

SECTION 14. Board of Education may borrow money.—In order to carry out the purposes of this act and for the operation of schools in Florence County, the board of education is authorized to borrow such sum of money as may be necessary, the amount not to exceed fifty per cent of the taxes pledged for the payment thereof, and shall have the power to pledge any part or all of the school taxes levied in Florence County as security therefor. In the event it becomes necessary to borrow money for these purposes, the county board shall award the loan or loans to the lowest bona fide bidder, after first advertising for bids by notice published in one or more newspapers having circulation in Florence County for at least ten days prior to awarding such bids, and after giving written notice to all banks in Florence County of the terms and conditions under which bids shall be received. The proceeds of any loan obtained shall be deposited with the successful bidder; *provided*, the successful bidder shall be an incorporated bank within the County of Florence and shall provide the county treasurer collateral for same as provided in the county appropriations act.

SECTION 15. Budget.—The board of trustees of the various school districts in Florence County shall, on or before the first day of June each year, prepare a budget showing in detail the items of proposed expenditures for the schools in their respective districts for the next ensuing year and file the same with the board of education for the county for its examination and approval. No budget shall be approved by the county board of education in excess of the revenues provided for the operation of the schools in any such school district, and no claim against any district shall be approved for payment by the county superintendent of education in excess of funds on the approved budget. The county board of education has the authority to spend for the

benefit of the schools any unallocated funds or any accumulation of funds under any of the nine items appropriated for educational purposes in this act.

SECTION 16. Act in addition to appropriation act.—The act is intended to be in addition to, and not in conflict with, any of the provisions of the annual county appropriations act of Florence County for the fiscal year 1966-1967.

SECTION 17. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 8th day of June, 1966.

(R754, H1973)

No. 1279

An Act To Authorize The Governing Body Of Georgetown County To Borrow Not To Exceed The Sum Of Fifty-Five Thousand Dollars For The Purpose Of Erecting A Public Library In The Town Of Andrews And To Provide For The Payment Thereof.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Georgetown County may borrow money for library at Andrews.—The Governing Body of Georgetown County is hereby authorized to borrow not to exceed fifty-five thousand dollars for the purpose of constructing a public library in the Town of Andrews and to pay expenses incident thereto.

SECTION 2. Loan provisions.—The governing body of the county shall make, execute and deliver notes for the sum so borrowed and shall arrange the payment thereof within a period of not to exceed ten years, at a rate of interest to be mutually agreed upon between the governing body and the lender not to exceed three per cent. The notes shall be signed by the chairman of the governing body and the treasurer of the county. The chairman shall notify the Auditor and Treasurer of Georgetown County of the issuance of the notes, and the auditor shall levy and the treasurer shall collect an annual tax on all the property in the county sufficient to meet the annual payments and interest on the notes, and the taxes so collected shall be applied for this purpose only.

SECTION 3. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 26th day of January, 1966.

(R1107, S740)

No. 1280

An Act To Authorize Georgetown County To Transfer To Private Individuals Certain Real Estate Belonging To The County In Exchange For Other Real Estate In The County Of Approximately The Same Acreage And Value.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Georgetown County may transfer property.—The Georgetown County Board of Commissioners is hereby authorized to deed 7.08 acres, more or less, property of Georgetown County and appearing as tract "B" on a plat by Legare Hamilton dated April 25, 1966, and recorded in Plat Book R, page 87, in the office of the Clerk of Court of Georgetown County to Penelope Parker Peterson, Sarah Parker Lumpkin and Martha Parker Allison in exchange for 6.69 acres of land, more or less, owned by the three persons named herein and appearing as tract "A" on the same plat as tract "B".

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 4th day of May, 1966.

(R1108, S741)

No. 1281

To Authorize The Georgetown County Board Of Commissioners To Sell, Deed And Convey To The Shamrock Manufacturing Company, Inc., For Valuable Considerations 6.69 Acres Of Land, More Or Less.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Georgetown County may sell property.—The Georgetown County Board of Commissioners is hereby author-

ized to sell, deed and convey to the Shamrock Manufacturing Company, Inc., 6.69 acres of land, more or less, for the sum of five dollars and other valuable considerations, such land having been acquired by the county through an exchange of property belonging to private individuals of approximately the same acreage and value. The 6.69 acres, more or less, herein authorized to be deeded appear as tract "A" on a plat by Legare Hamilton dated April 25, 1966, and recorded in Plat Book R, page 87, in the office of the Clerk of Court of Georgetown County.

SECTION 2. Consideration.—The General Assembly finds that the transaction involving the 6.69 acres of land authorized to be conveyed by Georgetown County to the Shamrock Manufacturing Company, Inc., for the sum of five dollars and other valuable considerations is within constitutional authorization as the Shamrock Manufacturing Company, Inc., plans to erect an industrial plant which will materially increase employment in the county, will increase the value of adjacent property and result in increased taxes paid to the county, all of which constitute a sufficient consideration and keep such a deed from amounting to a donation.

SECTION 3. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 4th day of May, 1966.

(R1355, H2222)

No. 1282

An Act To Provide For The Levy Of Taxes For Roads And Other County Purposes In Georgetown County For The Fiscal Year Beginning July 1, 1966, Through June 30, 1967; To Provide For The Expenditure Thereof; To Provide For Certain Fiscal Affairs Of The County; And To Provide For Other County Matters.

Be it enacted by the General Assembly of the State of South Carolina:

PART I

Temporary Provisions

SECTION 1. In order to provide the sums appropriated herein for the respective purposes hereinafter mentioned, there is hereby levied

upon all the taxable property in Georgetown County, for the fiscal year beginning July 1, 1966, and ending June 30, 1967, such number of mills as may be necessary for the purpose of paying the sums herein set out. The county auditor shall make such levy with the approval of the majority of the legislative delegation from the county. In the event, however, of the death or resignation of any one or more members of the legislative delegation, the survivor or survivors shall have the right and power to execute such order.

Roads and Bridges	\$150,000.00
Clerk of Court, Salary	8,525.00
Deputy Clerk of Court, Salary	4,300.00
Clerk to Clerk of Court, Salary	3,850.00
Clerk to Clerk of Court, Salary	3,425.00
Sheriff, Salary	8,525.00
Sheriff, Travel Allowance	2,750.00
Deputy Sheriffs, Salaries	47,525.00
Deputy Sheriffs, Travel Allowance	24,075.00
For use by Sheriff for investigation purposes ..	1,500.00
Clerk to Sheriff, Salary	4,300.00
Clerk to Sheriff, Salary	3,650.00
Jailor	4,625.00
Assistant Jailor and Radio Operator	4,625.00
Treasurer, sufficient with amount paid by State to total \$8,525.00	4,292.00
Clerk to Treasurer, Salary	4,300.00
Clerk to Treasurer, Salary	3,850.00
Part-time Clerk to Treasurer	1,050.00
Auditor, sufficient with amount paid by State to total \$8,525.00	4,292.00
Tax Assessor, Salary	5,950.00
Tax Assessor, Mileage	1,200.00
Custodian of maps and mapper	5,450.00
Custodian of Maps and mapper, mileage	1,200.00
Clerk to Auditor, Salary	4,300.00
Tax Accounting Clerk	4,300.00
Clerk to Auditor	3,650.00
Clerk to Auditor and Treasurer, Salary	3,650.00
County Commissioners, per diem and mileage ..	3,000.00
Chairman, Board of Commissioners, Salary ...	4,000.00
County Service Officer, Salary	5,450.00

County Service Officer, Travel	1,100.00
Clerk to Service Officer, Salary	4,300.00
Coroner, Salary	1,500.00
Attorney	2,000.00
Judge of Probate, Salary	7,425.00
Deputy Judge of Probate and Clerk	4,300.00
Clerk	3,650.00
Magistrate, Georgetown, Salary	4,900.00
Clerk to Magistrate, Georgetown	1,175.00
Magistrate, Andrews, Salary	2,000.00
Constable, Andrews, Salary	800.00
Magistrate, Nos. 5 and 6 Townships, Salary ...	2,000.00
Constable, No. 5 Township, Salary	800.00
Constable, No. 6 Township, Salary	800.00
Magistrate, Pawley's Island, Salary	2,000.00
Constable, Pawley's Island, Salary	800.00
Magistrate, Murrels Inlet, Salary	1,300.00
Clerk to Magistrate, Murrels Inlet	700.00
Constable, Murrels Inlet, Salary	800.00
Tax Commission and Board of Appeals	3,000.00
Jail Expenses	13,000.00
Jurors and Witnesses	12,000.00
Emergency Funds, Department of Public Wel- fare	3,500.00
Poor	5,000.00
Administrative Expenses, Department of Public Welfare	2,300.00
Post Mortems, Inquests and Lunacies	1,000.00
Public Buildings	25,000.00
Printing, Postage and Stationery	12,000.00
County Health Department	13,300.00
Mental Health Clinic	7,000.00
County Library	24,500.00
Bonding County Officers	1,500.00
Vital Statistics	400.00
Telephone and Telegraph	4,000.00
Special Contingent	40,000.00
Georgetown County Planning and Development Commission	16,250.00
County Home Demonstration Agent, Colored, Travel	1,000.00

Clerk to County Home Demonstration Agent, Colored	1,350.00
Workmen's Compensation Insurance	2,500.00
Retirement Fund and Social Security	30,000.00
Hq. and Hq. Btry., 4th How. Bn 178 Arty., Georgetown	1,000.00
A Btry, 4th Rkt. Bn 178th Arty., Andrews	1,000.00
Chairman, Board of Registration, Salary	2,425.00
Clerk, Board of Registration, Salary	1,200.00
Radio Maintenance	1,000.00
Assistant Health Inspector	2,000.00
Probation Officer, Travel	750.00
Clerical Help, Circuit Court Judge	3,525.00
Clerical Help, Probation Officer	800.00
For purchase of recording equipment for Clerk of Court's office	9,500.00
Georgetown-Horry Technical Education Center	12,000.00
Total	\$627,759.00

SECTION 2

The Sheriff of the county shall be allowed one dollar and twenty-five cents per day each for dieting prisoners and he shall furnish them good, wholesome food.

End of Part I

PART II**Permanent Provisions****SECTION 1**

The resident Senator and members of the House of Representatives from Georgetown County are hereby authorized to have a complete examination of the books and doings of all county officers of the county at least once each year, and, if they deem it necessary at any time, for the best interest of the county, that any office or officers should be investigated oftener than the regular annual auditing, they may contract with such certified accountants as they may deem qualified at such compensation as they may fix, to be paid out of the funds annually appropriated for miscellaneous contingent.

SECTION 2

The special contingent fund provided in the annual Georgetown County Appropriations Act shall not be expended except upon the written order of a majority of the members of the House of Representatives from Georgetown County, including the resident Senator. In the event of the death or resignation of any one or more of the members of the delegation, the survivors shall have the right to execute any such order.

SECTION 3

It shall be unlawful in Georgetown County for any person to gig for fish in salt waters from the northern tip of North Island to the northern tip of Magnolia Beach during the daylight hours. Any person violating the provisions of this section shall, upon conviction, be punished by a fine of not more than one hundred dollars or be imprisoned for not more than thirty days.

SECTION 4

Notwithstanding the provisions of Section 38-308, Code of Laws of South Carolina, 1962, jurors serving in circuit courts in Georgetown County shall, in addition to mileage at the rate of seven cents per mile going to and from court, receive a per diem of five dollars.

SECTION 5

In Georgetown County, whenever warrants are drawn by the county commissioner's office or the office of the board of education on the county treasurer, a duplicate of such warrant shall be immediately furnished the county treasurer. No warrant shall be honored by the county treasurer unless he is in possession of such duplicate and it is duly itemized and shows for what it was issued.

SECTION 6

The forty-mile limit of Black River in Georgetown County is hereby declared to be at the mouth of Lane's Creek, and the forty-mile limit on Big Pee Dee River in Georgetown County is hereby declared to be at the old ferry landing near Yauhannah Lake.

SECTION 7

The Georgetown County Board of Education may sell and convey properties in the rural areas of the county, abandoned for school purposes, for other properties; *provided*, those properties belonging to the county board do not have a value of more than two thousand dollars.

SECTION 8

The Town Council of the Town of Andrews in Georgetown County may abandon and close to public use as a road or thoroughfare the southernmost fifteen feet of Tamarack Street lying along the northern boundary line and adjacent to Lot Number Ninety-one of the Lulie B. Sawyer Subdivision in the Town as more readily appears by reference to a map of a resurvey of Lot Number Ninety-one of the Sawyer Subdivision prepared by Samuel M. Harper, R. L. S., from survey for Benjamin F. Barrineau and Margaret O. Barrineau, which map is recorded in the Office of the Clerk of Court for Georgetown County. The Town Council is authorized to convey by deed all right, title or interest which the Town may have in such strip to the owner of Lot Number Ninety-one lying adjacent thereto.

End of Part II

This act shall take effect upon approval by the Governor.

Approved the 13th day of June, 1966.

(R835, H2142)

No. 1283**An Act To Extend The Open Season For Hunting Rabbits In Greenville County To March First For The Year 1966 Only.**

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Rabbit season extended in Greenville County.—

The open season for hunting rabbits in Greenville County shall be extended to March first for the year 1966 only.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 2nd day of March, 1966.

(R889, H2233)

No. 1284

An Act To Authorize The Greenville County Board Of Commissioners To Issue Not Exceeding One Million Dollars Of General Obligation Bonds Of The County; To Provide Additional

**Facilities For The County Commission For Technical Education;
To Prescribe The Purposes For Which The Bonds Shall Be Is-
sued; And To Make Provisions For The Payment Of The Bonds.**

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Findings of General Assembly.—The General Assembly finds that by legislation enacted in 1962 the Greenville County Commission for Technical Education (hereafter called the Commission) was established in order that Greenville County could cooperate with the program instituted by Section 21-701 of the 1962 Code to promote a program of vocational and technical education in the State. Thereafter there was made available to the Commission the proceeds of two issues of bonds in the aggregate amount of nine hundred thousand dollars with which a site was acquired and appropriate facilities constructed thereon and thereafter enlarged. The demand for the technical education program so provided has increased resulting in the need for further land, buildings and other facilities for use in connection with the existing facilities. The cost of the foregoing has been estimated at one million dollars. The General Assembly determined to authorize the Greenville County Board (hereafter called the Board) to issue general obligation bonds of the county to the extend of one million dollars in order to provide the Commission with the funds now required. The General Assembly finds that the purpose of the expenditure is educational and is therefore one which counties are authorized to undertake pursuant to Section 6 of Article X of the Constitution of South Carolina, 1895.

SECTION 2. Bonds may be issued.—In order to provide funds to be expended by the Commission for the enlargement of its existing facilities, equipment therefor, the construction of additional buildings, and further land if the Commission determines that additional land is required, the Board is hereby authorized to issue and sell general obligation bonds of Greenville County in an aggregate principal amount not exceeding one million dollars.

SECTION 3. Issue.—The bonds authorized by this act may be issued as a single issue, or from time to time as several separate issues.

SECTION 4. Form—dates—maturity.—The bonds shall be of such denomination and shall mature in such annual series or installments as the Board shall provide for, except that the last maturing bonds shall mature not later than twenty years from the date the bonds shall be issued.

SECTION 5. Redemption.—Any bonds issued pursuant to this act may be issued with a provision for their redemption prior to their stated maturity at par and accrued interest, plus such redemption premium as may be prescribed by the Board, but no bonds shall be redeemable before maturity unless it contains a statement to that effect. If bonds are made subject to redemption, provision shall be made in the proceedings authorizing the issuance of the bonds, specifying the manner of call and the notice thereof that must be given.

SECTION 6. Form.—The bonds shall be in the form of negotiable coupon bonds, payable to bearer, but may be issued with the privilege to any holder of having them registered as to principal on the books of the Treasurer of Greenville County, upon such conditions as the Board may prescribe. Except when so registered, all bonds issued pursuant to this act shall have all attributes of negotiable instruments under the law merchant and the negotiable instruments law.

SECTION 7. Where payable.—The bonds issued pursuant to this act shall be made payable at such places, within or without the State, as the Board shall provide.

SECTION 8. Interest.—Bonds issued pursuant to this act shall bear interest at rates determined by the Board.

SECTION 9. Execution.—The bonds, and the coupons to be attached, shall be executed in such manner as the Board shall by resolution prescribe.

SECTION 10. Sale.—Bonds issued pursuant to this act shall be sold at a price of not less than par and accrued interest to the date of their respective deliveries. They shall be sold after public advertisement of their sale in a newspaper of general circulation in South Carolina. The published notice shall appear not less than ten days prior to the occasion set for opening bids.

SECTION 11. Payment.—For the payment of the principal and interest of all bonds issued pursuant to this act, as they respectively mature, and for the creation of such sinking fund as may be necessary therefor, the full faith, credit and taxing power of Greenville County shall be irrevocably pledged, and there shall be levied annually by the auditor and collected by the treasurer of the county, in the same manner as other county taxes are levied and collected, a tax without limit, on all taxable property in the county sufficient to

pay the principal and interest of such bonds as they respectively mature and to create such sinking fund as may be necessary therefor.

SECTION 12. Exempt from taxes.—The principal and interest of bonds issued pursuant to this act shall have the tax exempt status prescribed by Section 65-4.1 of the 1962 Code.

SECTION 13. Proceeds.—The proceeds derived from the sale of the bonds issued pursuant to this act shall be paid to the Treasurer of Greenville County, shall be deposited in a bond account fund and shall be expended and made use of as follows:

(a) Any accrued interest shall be applied to the payment of the first installment of interest to become due on such bonds.

(b) Any premium shall be applied to the payment of the first installment of principal of such bonds.

(c) The remaining proceeds shall be expended, on the warrant of the Commission, to defray the cost of issuing the bonds authorized hereby, and to pay the costs incurred for all or any of the purposes set forth in Section 2.

(d) If any balance remain, it shall be held by the Treasurer of Greenville County in a special fund and used to effect the retirement of bonds authorized hereby.

SECTION 14. Powers to be additional.—The powers and authorizations hereby conferred upon the Board shall be in addition to all other powers and authorizations previously vested in the Board and may be exercised at any special or regular meeting.

SECTION 15. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 18th day of March, 1966.

(R967, H2350)

No. 1285

An Act To Change The Name Of The Greenville General Hospital Board Of Trustees To The Greenville Hospital System Board Of Trustees; And To Amend Section 5 Of Act No. 432 Of 1947, As Amended, Relating To Powers And Duties Of The Trustees, So As To Further Provide Therefor.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Name of Greenville Hospital Board of Trustees changed.—The name of the Greenville General Hospital Board of Trustees, as created by Act No. 432 of 1947, is hereby changed to the Greenville Hospital System Board of Trustees.

SECTION 2. Section 5 of Act 432 of 1947 further amended—powers and duties of trustees.—Section 5 of Act No. 432 of 1947, as amended, is further amended on line two by striking the word “General” at the beginning of the line and by inserting the word “System” between the words “Hospital” and “Board”, on line two of Item (2) by changing the comma at the end thereof to a semicolon and striking “PROVIDED, that said Board shall afford the Executive Committee of the Medical Staff of any hospital operated by the Board the opportunity to present recommendations upon the request of said Executive Committee;”, on line one of Item (4) by striking the word “or” between the words “gift,” and “purchase” and inserting the word “lease” between the words “purchase,” and “or”, on line one of Item (9) by striking the word “said” between the words “the” and “Board”, on line two of Item (10) by inserting “hospital employees, medical students” between the words “technicians,” and “and”, on line two of Item (11) by striking the word “said” at the end of the line, on line two of Item (12) by striking the word “said” between the words “the” and “Board”, on line two of Item (13) by striking the word “said” between the words “by” and “Board”, on line 5 of Item (13) by striking the word “said” at the beginning of the line and by inserting a semicolon after the word “Board” and striking “and the determination of whether patients presented to the hospital for treatment are subject for charity and to fix compensation to be paid by patients other than those unable to assist themselves;”, on lines one, two and three of Item (14) by striking “To operate and maintain a charity ward and free services for residents of the County, who are destitute and unable to pay for needed hospitalization;” and inserting “To define eligibility requirements for patients for charity services, to operate and maintain necessary services for such patients, to contract with third parties for reimbursement for services rendered to such patients, and to collect partial payment from patients unable to pay the rates established by the Board;”, by striking the following:

“(20) To avail itself of the authorizations of the General Statute Law of the State, now codified as Chapters 185, 187 and 188, Volume 4, Code of Laws of South Carolina for 1942, with respect to the issuance of revenue bonds.

If said Board shall avail itself of any of the several authorizations thus granted to it, by the provisions of this subsection, it shall issue revenue bonds in the name of Greenville County, and to adequately secure the same it shall be empowered to make any pledge or covenant authorized by any provision in any of said Chapters, but it shall not be required to make any pledge or covenant in conflict with the provisions of subsection (14) of this Section. But no bonds may be sold pursuant to this subsection except at public sale, after not less than fourteen (14) days' notice of the sale being given by publication at least once in a newspaper of general circulation, published in Greenville County, and in some financial publication published in the City of New York;" and inserting in lieu thereof the following:

"(20) To enter into contracts for the construction and repair of hospitals and hospital facilities and to contract for equipment and supplies for such hospitals;"', by striking the following:

"(21) To conduct periodic investigations into hospital, medical and health conditions in Greenville County;" and inserting in lieu thereof the following:

"(21) To exercise the power of eminent domain for the purpose of acquiring property for purposes of expansion, and to that end it may avail itself of the procedure prescribed for the exercise of eminent domain by any county, municipality or authority created by or organized under the laws of this State, or by the State Highway Department, or by railroad corporation; and"', by striking the following:

"(22) To enter into contracts for the construction and repair of hospitals and hospital facilities and to contract for equipment and supplies for the same;" and inserting in lieu thereof the following:

"(22) To borrow money from banking or other lending institutions in such amounts and on such terms as the Board may determine is for the best interest to the Board for the operation of the hospital or for the acquisition of real or personal property, or to enlarge or improve any hospital facilities and to secure such loan or loans by pledge of revenues." and by striking the following:

"(23) To exercise the power of eminent domain, in the manner provided by the general laws of the State of South Carolina for procedure by any County, Municipality or authority created by or organized under the laws of this State, or by the State Highway Department, or by railroad corporations.

“(24) To borrow money from national banks in such amounts and on such terms as the Board of Trustees shall determine in their discretion is for the best interest of the hospital for the acquisition of additional real or personal property, including equipment, as may be deemed necessary or desirable by the Board, or to enlarge and improve any hospital building or buildings that it now has or may acquire or construct, or for defraying any costs incurred thereabout. *Provided*, that at no time shall the aggregate of such outstanding loans exceed two hundred fifty thousand dollars and *provided*, further, that the Board of Trustees is authorized and empowered to pledge the revenues of the hospital from any source other than the income derived from charges made to patients for the repayment of such loans.” The section when amended shall read as follows:

“Section 5. The Greenville Hospital System Board of Trustees shall be authorized and empowered to do all things necessary or convenient for the establishment and maintenance of adequate hospital facilities for Greenville County and, without limiting in any way the generality of the foregoing, shall be empowered as follows:

- (1) To adopt and use a corporate seal;
- (2) To adopt such by-laws, rules and regulations for the conduct of its business and expenditure of its funds, as it may deem advisable;
- (3) To operate the hospital conveyed to it by the City of Greenville, and such other hospitals as it may lease, acquire or construct;
- (4) To acquire by gift, purchase, lease or otherwise, all kinds and descriptions of real and personal property;
- (5) To accept gifts, grants, donations, devises and bequests;
- (6) To enlarge and improve any hospital building that it may acquire or construct;
- (7) To adequately staff and equip any hospital that it may operate;
- (8) To provide and operate out patient departments;
- (9) To establish and operate such clinics as the Board may deem necessary to the health of the residents of Greenville County;
- (10) To provide teaching and instruction programs and schools for nurses, hospital technicians, hospital employees, medical students and physicians during internship and residency;
- (11) To employ such personnel as it may deem necessary for the efficient operation of the several facilities maintained by the Board;
- (12) To establish and promulgate reasonable rates for the use of the services and facilities afforded by the Board;

(13) To provide reasonable regulations concerning the use of the facilities maintained by the Board including reasonable rules governing the conduct of physicians, nurses and technicians while on duty or practicing their profession in the facilities maintained by the Board;

(14) To define eligibility requirements for patients for charity services, to operate and maintain necessary services for such patients, to contract with third parties for reimbursement for services rendered to such patients, and to collect partial payment from patients unable to pay the rates established by the Board;

(15) To expend the proceeds derived from the charges made for the use of the services and facilities of the hospital for the operation and maintenance thereof;

(16) To determine the fiscal year upon which the affairs of the Board shall be conducted;

(17) To expend any funds received in any manner, and the proceeds derived from the issue of bonds hereinafter authorized, to defray any costs incident to establishing, constructing, equipping and maintaining any hospital;

(18) To apply to the Federal Government and any other governmental agency for a grant of moneys to aid in the construction and equipment of any hospital;

(19) To dispose of any property, real or personal, that it may possess, provided always that it shall not dispose of the hospital building, and the site thereof and the land adjacent thereto, which shall be conveyed to it by the City of Greenville, without the consent of the City Council of the City of Greenville;

(20) To enter into contracts for the construction and repair of hospitals and hospital facilities and to contract for equipment and supplies for such hospitals;

(21) To exercise the power of eminent domain for the purpose of acquiring property for purposes of expansion, and to that end it may avail itself of the procedure prescribed for the exercise of eminent domain by any county, municipality or authority created by or organized under the laws of this State, or by the State Highway Department, or by railroad corporation; and

(22) To borrow money from banking or other lending institutions in such amounts and on such terms as the Board may determine is for the best interest to the Board for the operation of the hospital or for the acquisition of real or personal property, or to en-

large or improve any hospital facilities and to secure such loan or loans by pledge of revenues.”

SECTION 3. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 7th day of April, 1966.

(R1094, H2498)

No. 1286

An Act To Empower The County Board Of Commissioners Of Greenville County To Issue Not Exceeding Three Million Dollars Of General Obligation Bonds Of Greenville County To Provide Additional Hospital Facilities In Greenville County; To Prescribe The Terms And Conditions Under Which The Bonds May Be Issued And The Manner In Which Their Proceeds May Be Expended And To Make Provision For The Payment Thereof; And To Repeal Act No. 626 Of 1965 Creating The Greenville Hospital District.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Findings of General Assembly.—As an incident to the enactment of this act, the General Assembly has made the following findings of fact:

(1) By Act No. 432 of 1947 (Act of 1947) Greenville County assumed the function of providing public hospital facilities in Greenville County for the benefit of the residents thereof. Such facilities are operated by a public agency known as the Greenville General Hospital System Board of Trustees (the Hospital Board).

(2) Acting pursuant to the Act of 1947 the Hospital Board acquired from the City of Greenville certain hospital properties.

(3) The scheme of the Act of 1947 and the method of acquiring from the City of Greenville the hospital properties above referred to were upheld as valid in a decision of the Supreme Court of South Carolina in a cause entitled *Bradley v. City Council of the City of Greenville*, 212 S. C. 389; 46 S. E. 2d 291.

(4) The hospital facilities so acquired have been expanded through gifts and grants and with the proceeds of general obligation bonds issued by Greenville County.

(5) In 1965 the General Assembly found that the growth of Greenville County required a tremendous expansion of facilities

then existing and, after considering the problem, it undertook by Act No. 626 of 1965 (Act of 1965) to create a hospital district coextensive with Greenville County and to commit to such district the function of providing public hospital facilities for the residents of Greenville County.

(6) The plan contemplated, among other things, the acquisition from the Hospital Board of all existing public hospital facilities in the county and the expansion thereof. The district was empowered to issue bonds to the extent of eight per cent of the assessed value of all taxable property therein. Following the enactment of Act No. 626 of 1965, litigation was instituted challenging the validity thereof and contending, among other things, that in exercising the power to issue bonds, due regard must be given to the fifteen per cent debt limitation set forth in Section 5 of Article X of the Constitution of this State.

(7) The litigation has proceeded through the Court of Common Pleas. While handing down a decision validating the creation of the district and the plan whereby it would acquire from the Hospital Board existing public hospital facilities in Greenville County, the court held that in exercising the right given to the district to issue bonds, it must observe the fifteen per cent debt limitation set forth in Section 5 of Article X. Following the rendition of the decision by the Court of Common Pleas, notice of intention to appeal to the Supreme Court has been filed, but the appeal has not been perfected.

(8) The General Assembly has given further consideration to the problem and finds that if the district is to be permitted to issue bonds, a constitutional amendment similar to that referred to in the case of *McLure vs. McElroy*, 211 S. C. 106, 44 S. E. 2d 101, (relating to the Hospital Board of Union County) must be proposed and adopted. It has noted that the provisions of Section 5 of Article X, as judicially construed, permit Greenville County to issue bonds up to the eight per cent limitation prescribed by Section 5 of Article X and that, under applicable decisions, the county is not required to take into consideration the fifteen per cent debt limitation set forth in Section 5 of Article X, which the district must observe. It takes further note of the fact that the district was not authorized to function until "the effective date of the conveyance by the Hospital Board to the district of the hospital properties of the Hospital Board" (Section 4). No such conveyance has been made and, as a consequence, the Hospital Board is still performing the functions com-

mitted to it by the Act of 1947. On the basis of the foregoing, the General Assembly has determined to repeal the Act of 1965 in order that public hospital facilities in Greenville County may continue to function under the Hospital Board and in accordance with the authorizations of the Act of 1947.

(9) It has further reviewed the need for further public hospital facilities in Greenville County and has determined that such need continues to exist. It has found that such need can be provided in part if there shall be made available to the Hospital Board the sum of three million dollars.

(10) It has considered the ability of Greenville County to issue bonds within the eight per cent debt limitation applicable to Greenville County and has found that, on the basis of existing debt and the assessed value of all taxable property in Greenville County, bonds to the extent of three million dollars might be issued.

(11) On that basis, it has determined:

(a) to repeal the Act of 1965;

(b) to continue to provide public hospital facilities for Greenville County through the means of the Hospital Board; and

(c) to authorize and empower the County Board of Commissioners of Greenville County (the County Board) to issue three million dollars of general obligation bonds of Greenville County to provide additional public hospital facilities for Greenville County.

SECTION 2. Bonds may be issued.—In order to provide further hospital facilities for Greenville County, which shall be constructed and maintained by the Hospital Board created by the Act of 1947, as amended, the County Board is hereby authorized and empowered to issue general obligation bonds of Greenville County to the extent of not exceeding three million dollars, or such lesser amount as shall, on the occasion of the issuance of such bonds, be within the applicable constitutional debt limitation of Greenville County.

SECTION 3. Issue.—Bonds issued pursuant to this act may be issued as a single issue or from time to time as several separate issues.

SECTION 4. Maturity.—Bonds issued pursuant to this act shall mature in such annual series or installments as the County Board shall provide, except that the first maturing bonds shall mature not later than three years from the date of issue; not less than three per cent of the bonds shall mature in each year; and no bond shall mature later than twenty-five years from the date of issue.

SECTION 5. Redemption.—Any bond issued pursuant to this act may be issued with a provision permitting its redemption prior to its stated maturity, at par and accrued interest, plus such redemption premium as may be prescribed by the County Board, but no bond shall be redeemable prior to its stated maturity unless it contains a statement to that effect. In the proceedings authorizing the issuance of such bonds, provision shall be made specifying the manner of call and the notice thereof that must be given as to bonds made redeemable prior to their stated maturities.

SECTION 6. Form.—Bonds issued pursuant to this act shall be in the form of negotiable coupon bonds, payable to bearer, but may be issued with the privilege to any holder of having them registered as to principal on the books of the Treasurer of Greenville County, upon such conditions as the County Board may prescribe. Except when so registered, all bonds issued pursuant to this act shall have all attributes of negotiable instruments under the law merchant and the negotiable instrument law.

SECTION 7. Where payable.—Bonds issued pursuant to this act shall be made payable at such place or places, within or without the State, as the County Board shall provide.

SECTION 8. Interest.—Bonds issued pursuant to this act shall bear interest at the rate approved by the County Board.

SECTION 9. Denomination.—The bonds and the coupons to be thereunto attached shall be in such denomination and shall be executed in such manner as the County Board shall by resolution prescribe.

SECTION 10. Sale.—Bonds issued pursuant to this act shall be sold at a price of not less than par and accrued interest to the date of their respective deliveries. They shall be sold after public advertisement of their sale in a newspaper of general circulation in South Carolina. Such published notice shall appear not less than ten days prior to the occasion set for opening bids.

SECTION 11. Payment.—For the payment of the principal and interest of all bonds issued pursuant to this act, as they respectively mature, and for the creation of such sinking fund as may be necessary therefor, the full faith, credit and taxing power of Greenville County shall be irrevocably pledged, and there shall be levied annually by the Auditor of Greenville County, and collected by the Treasurer of

Greenville County, in the same manner as other county taxes are levied and collected, on all taxable property in Greenville County, a tax sufficient to pay the principal and interest of the bonds as they respectively mature and to create such sinking fund as may be necessary therefor.

SECTION 12. Exempt from taxes.—The principal and interest of bonds issued pursuant to this act shall have the tax-exempt status prescribed by Section 65-4.1 of the 1962 Code.

SECTION 13 Proceeds.—The proceeds derived from the sale of any bonds issued pursuant to this act shall be paid to the Treasurer of Greenville County and shall be expended as follows:

(a) Any accrued interest received shall be applied by the County Treasurer to the payment of the first installment of interest to become due on such bonds.

(b) Any premium shall be applied by the County Treasurer to the payment of the first installment of principal of such bonds.

(c) The remaining proceeds shall be expended upon the warrant of the Hospital Board for the following purposes:

(i) To defray the cost of issuing the bonds authorized by this act; and

(ii) To provide for additional hospital facilities for the county and to pay for any land acquisitions necessary therefor.

(d) If, after the final completion of the Hospital Board's program, the Hospital Board shall certify to the Treasurer of Greenville County that any remaining balance in the bond account is no longer needed for its program, then such balance shall be held by or delivered to the County Treasurer and used to effect the retirement of bonds then outstanding, which shall have been issued pursuant to this act.

(e) Pending any use of funds, it shall be lawful for the Hospital Board to cause the principal proceeds resulting from any sale of bonds to be invested in obligations of the United States, or any agency thereof, having a maturity of not more than two years from the date when such investments shall be made. In order to effect such investment the Hospital Board shall be empowered to withdraw from the treasurer the entire principal proceeds of any bonds that may be issued and to cause the same to be deposited with any corporate trustee who shall hold the same as trust funds to be invested in the manner that the Hospital Board shall direct within the limitations imposed by this paragraph.

Any income resulting from such investment shall be returned to the Treasurer of Greenville County and used by him to meet the debt service of any bonds so issued.

SECTION 14. No other action necessary.—No election is prescribed as a condition precedent to the issuance of bonds pursuant to this act, and no action other than that prescribed herein need be taken to effect the issuance of the bonds herein authorized, nor shall the County Board be required to obtain the approval of any public agency to any action taken pursuant to the authorizations of this act.

SECTION 15. Act 626 of 1965 repealed.—Act No. 626 of 1965 is hereby repealed, and the right of the Hospital Board to continue to function pursuant to the authorizations of the Act of 1947, as amended, is confirmed.

SECTION 16. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 29th day of April, 1966.

(R1175, H2540)

No. 1287

An Act To Empower The County Board Of Commissioners Of Greenville County To Issue Not Exceeding Five Million Dollars Of General Obligation Bonds Of Greenville County To Provide Additional Hospital Facilities In Greenville County; To Prescribe The Terms And Conditions Under Which The Bonds May Be Issued And The Manner In Which Their Proceeds May Be Expended And To Make Provision For The Payment Thereof.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Findings of General Assembly.—As an incident to the enactment of this act, the General Assembly has made the following findings of fact:

(1) By legislation enacted or to be enacted at its current session the General Assembly has empowered the County Board of Commissioners of Greenville County (the County Board) to issue not exceeding three million dollars general obligation bonds of Greenville County to provide for additional hospital facilities for Greenville County to be constructed and maintained by the Greenville Hospital

System Board of Trustees (the Hospital Board) created by Act No. 432 of 1947, as amended.

(2) The necessary hospital facilities will cost in excess of three million dollars and it is expected that the additional monies needed will be made available by the federal government.

(3) In the event sufficient federal funds are not made available, the General Assembly is minded to provide for the necessary hospital facilities by the issuance of general obligation bonds of Greenville County in addition to the three million dollars already authorized.

SECTION 2. Bonds may be issued.—In order to provide further hospital facilities for Greenville County, which shall be constructed and maintained by the Hospital Board created by the Act of 1947, as amended, the County Board is hereby authorized and empowered to issue general obligation bonds of Greenville County to the extent of not exceeding five million dollars, or such lesser amount as shall, on the occasion of the issuance of such bonds, be within the applicable constitutional debt limitation of Greenville County; *provided*, that such bonds shall be issued pursuant to the authorizations of this act only in the event insufficient federal funds are made available to defray the cost of providing such additional hospital facilities.

SECTION 3. Issue.—Bonds issued pursuant to this act may be issued as a single issue or from time to time as several separate issues.

SECTION 4. Maturity.—Bonds issued pursuant to this act shall mature in such annual series or installments as the County Board shall provide, except that the first maturing bonds shall mature not later than three years from the date of issue; not less than three per cent of the bonds shall mature in each year; and no bond shall mature later than twenty-five years from the date of issue.

SECTION 5. Redemption.—Any bond issued pursuant to this act may be issued with a provision permitting its redemption prior to its stated maturity, at par and accrued interest, plus such redemption premium as may be prescribed by the County Board, but no bond shall be redeemable prior to its stated maturity unless it contains a statement to that effect. In the proceedings authorizing the issuance of such bonds, provision shall be made specifying the manner of call and the notice thereof that must be given as to bonds made redeemable prior to their stated maturities.

SECTION 6. Form.—Bonds issued pursuant to this act shall be in the form of negotiable coupon bonds, payable to bearer, but may be

issued with the privilege to any holder of having them registered as to principal on the books of the Treasurer of Greenville County, upon such conditions as the County Board may prescribe. Except when so registered, all bonds issued pursuant to this act shall have all attributes of negotiable instruments under the law merchant and the negotiable instrument law.

SECTION 7. Where payable.—Bonds issued pursuant to this act shall be made payable at such place or places, within or without the State, as the County Board shall provide.

SECTION 8. Interest.—Bonds issued pursuant to this act shall bear interest at the rate approved by the County Board.

SECTION 9. Denominations.—The bonds and the coupons to be thereunto attached shall be in such denomination and shall be executed in such manner as the County Board shall by resolution prescribe.

SECTION 10. Sale.—Bonds issued pursuant to this act shall be sold at a price of not less than par and accrued interest to the date of their respective deliveries. They shall be sold after public advertisement of their sale in a newspaper of general circulation in South Carolina. Such published notice shall appear not less than ten days prior to the occasion set for opening bids.

SECTION 11. Payment.—For the payment of the principal and interest of all bonds issued pursuant to this act, as they respectively mature, and for the creation of such sinking fund as may be necessary therefor, the full faith, credit and taxing power of Greenville County shall be irrevocably pledged, and there shall be levied annually by the Auditor of Greenville County, and collected by the Treasurer of Greenville County, in the same manner as other county taxes are levied and collected, on all taxable property in Greenville County, a tax sufficient to pay the principal and interest of the bonds as they respectively mature and to create such sinking fund as may be necessary therefor.

SECTION 12. Exempt from taxes.—The principal and interest of bonds issued pursuant to this act shall have the tax-exempt status prescribed by Section 65-4.1 of the 1962 Code.

SECTION 13. Proceeds.—The proceeds derived from the sale of any bonds issued pursuant to this act shall be paid to the Treasurer of Greenville County and shall be expended as follows:

(a) Any accrued interest received shall be applied by the County Treasurer to the payment of the first installment of interest to become due on such bonds.

(b) Any premium shall be applied by the County Treasurer to the payment of the first installment of principal of such bonds.

(c) The remaining proceeds shall be expended upon the warrant of the Hospital Board for the following purposes:

(i) To defray the cost of issuing the bonds authorized by this act; and

(ii) To provide for additional hospital facilities for the county and to pay for any land acquisitions necessary therefor.

(d) If, after the final completion of the Hospital Board's program, the Hospital Board shall certify to the Treasurer of Greenville County that any remaining balance in the bond account is no longer needed for its program, then such balance shall be held by or delivered to the County Treasurer and used to effect the retirement of bonds then outstanding, which shall have been issued pursuant to this act.

(e) Pending any use of funds, it shall be lawful for the Hospital Board to cause the principal proceeds resulting from any sale of bonds to be invested in obligations of the United States, or any agency thereof, having a maturity of not more than two years from the date when such investments shall be made. In order to effect such investment the Hospital Board shall be empowered to withdraw from the treasurer the entire principal proceeds of any bonds that may be issued and to cause the same to be deposited with any corporate trustee who shall hold the same as trust funds to be invested in the manner that the Hospital Board shall direct within the limitations imposed by this paragraph.

Any income resulting from such investment shall be returned to the Treasurer of Greenville County and used by him to meet the debt service of any bonds so issued.

SECTION 14. No other action necessary.—No election is prescribed as a condition precedent to the issuance of bonds pursuant to this act, and no action other than that prescribed herein need be taken to effect the issuance of the bonds herein authorized, nor shall the County Board be required to obtain the approval of any public agency to any action taken pursuant to the authorizations of this act.

SECTION 15. Bonds—additional.—The bonds authorized by this act are in addition to the three million dollars general obligation

bonds first hereinabove mentioned and the provisions of this act in no way affect, limit or restrict the authorizations of the legislation first herein mentioned for the issuance of three million dollars general obligation bonds of Greenville County.

SECTION 16. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 10th day of May, 1966.

(R1330, H2733)

No. 1288

An Act To Establish A Position Classification And Compensation Plan For Employees Of Greenville County.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Classification and compensation plan for employees of Greenville County—adopted.—The Greenville County Legislative Delegation heretofore authorized and directed the County Board of Commissioners to make a study of position classification and compensation plan for employees of Greenville County. The commission, having made its study, has filed its report and recommendations with the delegation. The delegation is satisfied with the recommendations of the county board and by this act approves the recommendations and adopts it as the official position classification and compensation plan for employees of Greenville County.

SECTION 2. County Board of Commissioners to administer.—The County Board of Commissioners is hereby authorized and directed to administer the provisions recommended by the board as the proper classification and compensation plan for employees of Greenville County, except the portions of such plan as may be inconsistent with the 1966-1967 Greenville County Appropriations Act, and it is authorized to assign to employees of Greenville County duties implementing the plan.

SECTION 3. Retirement feature.—In order to clarify the retirement feature of the recommendations by the board of commissioners, Section 21 appearing on III-14 is amended to read as follows: "The maximum age for active service with the County shall not exceed seventy-two years in accordance with the provisions of the State

Retirement Act. All persons in the employment of Greenville County who will have reached the maximum age of retirement on or before July 1, 1966, upon applying to the County Board of Commissioners may be employed for an additional year after the adoption of this plan. Such persons may, at the end of each year, apply to the County Board of Commissioners for employment for an additional year. The board of commissioners is empowered to employ such persons from year to year and so long as, in the discretion of the board, the person can render full service to the County in keeping with compensation paid."

SECTION 4. Location of official copy.—The official copy of the Position Classification and Compensation Plan for Employees of Greenville County shall be located and maintained for public inspection in the office of the Greenville County Board of Commissioners. The Plan may be amended by a majority vote of the Board of Commissioners.

SECTION 5. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 1st day of June, 1966.

(R1346, H2539)

No. 1289

An Act To Provide For The Levy Of Property Taxes in Greenville County For County, School and Road Purposes For The Fiscal Year Beginning July 1, 1966, And Ending June 30, 1967, To Appropriate The Revenues Therefrom And The Income From All Other Available Sources Of County Revenues, And To Direct And Control The Expenditures Thereof.

Be it enacted by the General Assembly of the State of South Carolina :

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SECTION 1. The County Auditor of Greenville County is hereby directed to calculate, subject to the approval of the Greenville County Legislative Delegation, the levy upon all the taxable property of Greenville County necessary to raise the appropriations hereinafter provided for up to the sum equal to the difference between the estimated revenue accruing to the county from indirect and other revenues of like character applicable by law to the general expenses of Greenville County and the sum total of the appropriations herein provided, and no other purpose whatsoever, such levy not exceeding four and one-quarter mills, of all the taxable property of the county, and such revenue therefrom to be expended, if so much be necessary, during the fiscal year commencing July 1, 1966, and ending June 30, 1967.

SECTION 2. Appropriations:

Item 1. County Supervisor:

1-1 Supervisor	\$ 8,580.00
1-2 Clerk Stenographer	4,536.00
1-3 Storekeepers, 2 @ \$4,332.00 each	8,664.00
1-4 Captains, 5 @ \$5,016.00 each	25,080.00
1-5 Lieutenants, 5 @ \$4,332.00 each	21,660.00
1-6 Clerk Stenographer	4,332.00
1-7 Sergeants, 6 @ \$4,116.00 each	24,696.00
1-8 Guards, 13 @ \$3,936.00	51,168.00
1-9 Plumber	4,332.00
1-10 Welder	4,332.00
1-11 Farmers, 3 @ \$3,936.00 each	11,808.00
1-12 Road and Bridge Inspector	5,784.00
1-13 Equipment Maintenance Superintendent	5,016.00
1-14 Equipment Maintenance Superintendents, 3 @ \$4,332.00 each	12,996.00

1-15 Road Maintenance Superintendents, 6 @ \$5,- 016.00 each	30,096.00
1-16 Asst. Road Maintenance Superintendent	4,536.00
1-17 Motor Equipment Operator, 20 @ \$4,332.00 each	86,640.00
1-18 Crew Foreman, 25 @ \$3,936.00 each	98,400.00
1-19 Engineer (P. T.)	3,420.00
1-20 Travel—County Supervisor	1,908.00

Total Salaries\$417,984.00

FROM GENERAL FUND:

1-100 Maintenance of buildings, appliances, janitors' supplies, office supplies, heat, lights & water ..\$	50,000.00
1-101 Convict maintenance (food and clothing)	100,000.00
1-102 Purchase machinery and trucks	100,000.00
1-103 Farming supplies	8,000.00
1-104 Uniforms for personnel	9,000.00
1-105 Gasoline, oil, diesel, fuel, lubricants	85,000.00
1-106 Bridges and large culverts	50,000.00
1-107 Garbage dump, broken water and sewer lines, moving poles, etc.	8,000.00

Total Expenses\$410,000.00

TOTAL ITEM 1 FROM GENERAL

FUND\$827,984.00

FROM SIX MILL ROAD LEVY

1-120 Maintenance of equipment (tools, tires, blades, batteries, cables, replacement parts)	150,000.00
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Total from Six Mill Road Levy\$150,000.00

Provided, that the foregoing total in the amount of \$150,000.00 shall not be included in the Grand Total as that amount is from the Six Mill Road Levy.

Provided, the Supervisor of the county shall not expend or contract to spend in any one quarter of any fiscal year more than one-fourth of the total amount appropriated for his office.

If in the carrying out of the limitation imposed

on the Supervisor in this section it should develop that any unexpended portion of any item remains for any one quarter of the year, the same may be added to the amount authorized to be expended for the same purpose during the next ensuing period. The periodic allowance above designated shall not, however, be exceeded for any period and any contract providing for the expenditure of any sum in excess of the periodic allowance above provided shall not be binding upon the county. Any person contracting in any manner with the county is charged with the duty of ascertaining whether or not the expenditure of any sum contemplated by any contract shall be in excess of such periodic allowance. The requirements of this proviso as to periodic expenditures may be dispensed with upon the written approval of the board of commissioners. *Provided*, that no monies from the six mill road levy shall be spent for salaries.

Provided, further, that the balance of the six mill road levy shall be spent only for patching and surface treating county roads.

Item 2. County Board of Commissioners and related expenses:

Salaries and expenses:

2-1 Secretary—Board of Commissioners	\$ 5,268.00
2-2 County Comptroller	7,380.00
2-3 County Accountant	5,784.00
2-4 County Accountant	5,508.00
2-5 Secretary—Legislative Delegation	1,044.00
2-10 Block Book Supervisor	7,380.00
2-11 Assistant Block Book Supervisor	6,696.00
2-12 Draftsman, 4 @ \$6,072.00 each	24,288.00
2-13 Clerk, Typist II	3,396.00
2-14 Clerk, Stenographer II	3,744.00
2-15 Clerk Typist II (P. T.)	2,028.00
2-20 Tabulating Machine Supervisor	7,032.00
2-21 Tabulating Machine Operator	5,016.00

2-22	Tabulating Machine Operator II	4,332.00
2-23	Tabulating Machine Operator I	3,936.00
2-24	Tabulating Machine Operator I	3,936.00
2-25	Tabulating Machine Operators I (2 Part Time)	3,936.00
2-30	Building Superintendent	7,032.00
2-31	Assistant Building Superintendent	3,936.00
2-32	Clerk Typist II	3,552.00
2-33	Custodian	3,228.00
2-34	Janitor	3,552.00
2-35	Janitors I, 10 @ \$3,084.00 each	30,840.00
2-40	County Commissioners, 5 @ \$600.00 each	3,000.00
2-50	Purchasing Agent	7,500.00
2-51	Account Clerk I	4,116.00
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	Total Salaries	\$167,460.00
2-100	Travel for Superintendent of Buildings	\$ 1,200.00
2-101	Travel for Board of Commissioners	1,000.00
2-102	Travel for Block Book Department	500.00
2-103	Travel for Purchasing Agent	700.00
	<i>Provided, this shall be paid by the board of commissioners on the basis of seven cents per mile.</i>	
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	Total Travel	\$ 3,400.00
2-103	Office supplies, Commissioners	\$ 4,500.00
2-104	Stamps for Delegation Secretary	50.00
2-105	Supplies—Block Book Department	1,000.00
2-106	Lights and power	20,000.00
2-107	Fuel	7,000.00
2-108	Water	1,200.00
2-109	Insurance on buildings	5,500.00
2-110	Janitor's supplies	7,500.00
2-111	Elevator upkeep	2,500.00
2-112	Courthouse repairs	6,500.00
2-113	County audits	6,000.00
2-114	Bond premiums—all offices except Sheriff	5,000.00
2-115	Telephone and telegraph	18,000.00
2-116	Legal advertising	200.00
2-117	Postage—all offices	12,500.00
2-118	Workmen's Compensation	18,000.00

2-119	State Retirement and Social Security. This includes employer's part of Police Officers' Retirement	170,000.00
2-120	Contractual service—I.B.M.	17,645.76
2-121	Supplies and printing—I.B.M.	2,340.00
2-122	Supplies for sewerage treatment plant	8,000.00
2-123	Court House Grounds	500.00

Total Supplies	<u>\$313,935.76</u>
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TOTAL, ITEM 2	<u>\$484,795.76</u>
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Provided, that the county board of commissioners shall have complete control and direction of I.B.M. system and its personnel, equipment and supplies.

Item 3. County Jail:

3-1	Jailor	\$ 5,784.00
3-2	Guards, 7 @ \$4,536.00 each	31,752.00
3-3	Account Clerk I	4,332.00

Total Salaries	<u>\$ 41,868.00</u>
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3-100	Food, fuel, etc.	\$ 24,000.00
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3-101	Uniforms for Personnel	1,200.00
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Total Expenses	<u>\$ 25,200.00</u>
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TOTAL, ITEM 3	<u>\$ 67,068.00</u>
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Item 4. Court Operation Expenses:

4-1	Bailiffs, 3 @ \$2,520.00 each	\$ 7,560.00
4-3	County Judge	18,375.00
4-4	Solicitor—County Court	7,080.00
4-5	Assistant Solicitor	5,550.00
4-6	(County) Court Reporter	6,072.00
4-7	Clerk Stenographer I (County Solicitor)	3,396.00
4-8	Clerk Stenographer II (Circuit Solicitor)	4,332.00
4-10	Stenographer to Circuit Judge (P. T.)	1,392.00
4-11	Circuit Court Stenographer (P. T.)	337.56
4-12	(Assistant Circuit and County) Court Reporter	5,262.00
4-13	Criminal Investigator—Circuit and County Court	6,384.00
4-14	Supplement salary—Stenographer, Parole Officer	1,118.04

4-16 Clerk Stenographer II (County Court Judge)	4,116.00
4-17 Supplement salary—stenographer, Parole Officer	783.81
4-18 Clerk Stenographer I (Investigator)	3,552.00
Total Salaries	\$ 75,310.41
4-100 Travel—Criminal Investigator	\$ 900.00
4-101 Travel—Circuit Solicitor	700.00
Total Travel	\$ 1,600.00
4-101 Jurors—all courts	\$ 36,733.48
4-102 Office supplies—County Court	1,200.00
4-103 Supplies—Circuit Court Stenographer	1,800.00
4-104 Supplies—Circuit Court Solicitor	1,050.00
4-105 Law Library	1,000.00
4-106 School for Circuit Court Solicitor and Assistant	600.00
Total Expenses	\$ 42,383.48
TOTAL, ITEM 4	\$119,293.89

Provided, the amount hereinabove appropriated as salary for the county judge is an estimate only and shall not exceed three-fourths of the salary paid by the State to the circuit judge in same fiscal year. Any amount hereinabove appropriated over this amount shall be returned to the general fund. Any amount needed to reach this amount shall be taken from delegation contingent fund.

Provided, that the Criminal Investigator shall be a full-time employee and charged with the duty of assisting the solicitors of the circuit and county court with the investigation and preparation of all criminal matters relating thereto in Greenville County, and to that end will be charged with the further duty of assisting the grand jury with respect to such investigations as the grand jury shall require. The appointment of the investigator shall be made by the county delegation upon the recommendation of the circuit and county solicitors.

Provided, that the assistant solicitor shall be employed by the circuit solicitor and the county court solicitor and shall serve under their direction.

Provided, that the money hereinabove appropriated for supplies for the circuit court stenographer shall be expended upon the written authorization of the resident circuit judge.

Provided, that witnesses, living outside Greenville County, called for coroner's inquest, shall be paid the same as other court witnesses.

Item 5. County Health Department:

Salaries, supplies and vital statistics	\$198,885.47
Mosquito Control	15,000.00

TOTAL, ITEM 5	<u>\$213,885.47</u>
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Provided, that the monies hereinabove appropriated shall be spent upon the written approval of the legislative delegation.

Item 6. Sheriff and other Law Enforcement:

6-1 County Sheriff	8,580.00
6-2 Chief Deputy Sheriff	6,696.00
6-3 Dispatcher	5,508.00
6-4 Dispatchers, 2 @ \$5,268.00 each	10,536.00
6-5 Clerk Stenographers I, 2 @ \$3,552.00 each ...	7,104.00
6-6 Account Clerk I	4,536.00
6-7 Deputy Sheriff—Lieutenants, 3 @ \$6,384.00 each	19,152.00
6-8 Deputy Sheriffs—Sergeants, 4 @ \$6,072.00 each	24,288.00
6-9 Deputy Sheriffs, 27 @ \$5,784.00 each	156,168.00
6-10 Deputy Sheriffs, 4 @ \$5,505.00 each	22,020.00
6-11 I. D. Man	6,384.00
6-12 I. D. Man	6,072.00

Total Salaries (Full Time)	<u>\$277,044.00</u>
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6-20 Special Deputies, 8 @ \$311.65 each	\$ 2,493.20
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Poe Mill

Renfrew

Southern Bleachery

Union Bleachery

Woodside

	Piedmont	
	Southern Worsted	
	Greer	
6-21	Special Deputies, 9 @ \$1,447.77 each	13,029.93
	Sans Souci	
	Upper part of Greenville County	
	Taylors	
	City View	
	Fork Shoals	
	Dunklin	
	Town of Mauldin	
	Park Place	
	Travelers Rest	
6-22	Special Deputies, 4 @ \$1,166.88 each	4,667.52
	Rehobeth	
	Fairview-Austin	
	Berea	
	East and West Gantt	
6-23	Special Deputies, 2 @ \$1,386.00 each	2,772.00
	Town of Piedmont	
	Lake Lanier	
6-24	Special Deputy (Conestee)	335.41
6-25	Special Deputy (Slater-Marietta)	2,003.49
6-26	Special Deputy (Judson-Welcome)	1,478.53
6-27	Special Deputy (Wade Hampton)	1,524.60
6-28	Special Deputy (Laurel Creek—9 months)	628.84
6-29	Special Deputy (Pelham)	547.14
6-30	Special Deputy (East View)	1,418.47
6-31	Special Deputy relief, 2 @ \$1,478.66 each	2,957.32
6-32	Special Warrant Clerk	1,386.00
6-33	Special Deputy (Woodlawn—9 months)	571.72
6-34	Special Deputy Relief	772.99
6-35	Special Deputy Relief	2,830.87
6-36	Special Deputy (Fairview)	1,320.00
Total Salaries (Part Time)		\$ 40,738.03
Total Salaries		\$317,782.03

6-100 Travel—Sheriff	\$ 1,908.00
6-101 Travel—Chief Deputy	1,656.00
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6-102 Total Travel	\$ 3,564.00
6-102 Gasoline	\$ 15,000.00
6-103 Rental on 22 cars	55,000.00
6-104 Fingerprinting equipment	1,500.00
6-105 Ammunition, guns, etc.	1,600.00
6-106 Evidence Procurement Fund	850.00
6-107 Radio maintenance and phone (new radios, red lights and sirens)	5,670.00
6-108 Office supplies	3,500.00
6-109 Military	3,200.00
6-110 Insurance—Premium on Officers' Bonds	6,000.00
6-111 Transportation of prisoners	2,500.00
6-112 Maintenance on confiscated cars	1,000.00
6-113 Uniforms and equipment for deputies	7,630.00
6-114 Maintenance-Bloodhounds	400.00
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Total Expenses	\$103,850.00
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TOTAL, ITEM 6	\$425,196.03

Provided, that Greenville County shall own the uniforms and equipment.

Provided, further, that if any of the above officers shall be replaced, the uniforms and equipment used by them shall be returned to the Sheriff.

Provided, that unincorporated towns and outlying districts shall be patrolled by schedule in that Greenville County shall be zoned by the Sheriff and radio patrol be constantly maintained in the zone, rather than attempting county-wide operation from the Sheriff's office; and *provided*, that two deputies shall be assigned to civil matters and they shall not be responsible for the serving of criminal investigations.

Provided, that before any expenditure shall be made under the foregoing appropriation for transportation of prisoners, the Sheriff's office

shall first obtain the written approval of the circuit or county solicitor.

Provided, further, if possible, return of State prisoners shall be made without cost to the county.

Item 7. Clerk of Court:

7-1 Clerk of Court	\$ 7,392.00
7-2 Deputy Clerk of Court	4,332.00
7-3 Clerk Typist II, 2 @ \$3,936.00 each	7,872.00
7-4 Clerk Typist II	3,552.00
7-5 Deputy Clerk of Court	650.00

Provided, acting Clerk of Court, \$50.00 per week to be paid to the deputy clerk for additional duties while acting as Clerk of County Court, not to exceed thirteen weeks.

Total Salaries	\$ 23,798.00
7-100 Office equipment supplies, etc.	\$ 3,000.00

Total Expenses

TOTAL, ITEM 7

Item 8. Probate Judge:

8-1 Probate Judge	\$ 8,160.00
8-2 Probate Court Clerk	4,764.00
8-3 Clerk Typist	3,744.00
8-4 Clerk Stenographers, 3 @ \$3,396.00 each	10,188.00

Total Salaries	\$ 26,856.00
8-100 Office supplies and equipment	\$ 2,200.00
8-101 Lunacy examinations	3,900.00
8-102 Transportation of mental patients	2,300.00

Total Expenses

TOTAL, ITEM 8

Item 9. Delegation Contingent Fund:

9-100 Special appropriation by Delegation	\$ 15,000.00
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TOTAL, ITEM 9

Item 10. County Treasurer:

10-1 County Treasurer	\$ 3,000.00
10-2 Account Clerks, 2 @ \$4,332.00 each	8,664.00
	<hr/>
Total Salaries	\$ 11,664.00
10-100 Office Supplies	\$ 600.00
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Total Expenses	\$ 600.00
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TOTAL, ITEM 10	\$ 12,264.00

Item 11. Master in Equity:

11-1 Master in Equity	\$ 10,920.00
11-2 Account Clerk I	4,332.00
11-3 Hearings Stenographer	4,332.00
	<hr/>
Total Salaries	\$ 19,584.00
11-100 Supplies—Master	400.00
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Total Expenses	\$ 400.00
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TOTAL, ITEM 11	\$ 19,984.00

Item 12. Coroner:

12-1 Coroner	\$ 5,520.00
12-2 Clerk Stenographer I	3,396.00
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Total Salaries	\$ 8,916.00
12-100 Travel—Coroner	1,656.00
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Total Travel	\$ 1,656.00
12-101 Office Supplies	\$ 300.00
	<hr/>
Total Expenses	\$ 300.00
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TOTAL, ITEM 12	\$ 10,872.00

Item 13. Register of Mesne Conveyance:

13-1 Register	\$ 7,392.00
13-2 Clerk Typist II	4,332.00
13-3 Clerk Typist II	4,116.00

13-4 Clerk Typist II, 3 @ \$3,744.00 each	11,232.00
13-5 Clerk Typist I, 8 @ \$3,396.00 each	27,168.00
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Total Salaries	\$ 54,240.00
13-100 Photo Record Machine supplies	13,000.00
13-101 Office supplies and equipment	8,000.00
13-102 Supplies for microfilming	2,800.00
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Total Expenses	\$ 23,800.00
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TOTAL, ITEM 13	\$ 78,040.00

Provided, that the Register of Mesne Conveyance, in each case where matter is left in her office to be forwarded by mail to some party, shall collect from the person leaving such matter in advance the postage necessary for mailing such matter.

Provided, further, that the Register of Mesne Conveyance may destroy chattel mortgage books left in her office for a period of six years.

Item 14. Auditor:

14-1 Auditor	\$ 3,000.00
14-2 Account Clerk	4,332.00
14-3 Clerk Typist II, 2 @ \$3,744.00 each	7,488.00
14-4 Clerk Typist I, 3 @ \$3,396.00 each	10,188.00
14-5 Tax Coordinator	7,380.00
14-6 Assistant Tax Coordinator	6,384.00
14-7 Account Clerk I	4,332.00
14-8 Board of Assessors (salary and travel)	21,000.00
14-9 Clerk Typist I (Part time)	1,698.00
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Total Salaries	\$ 65,802.00
14-100 Travel, Tax Coordinator	\$ 900.00
14-101 Travel, Assistant Tax Coordinator	450.00
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Total Travel	\$ 1,350.00

Provided, this shall be paid by the board of commissioners on the basis of seven cents per mile.

14-102 Office Supplies, Auditor	1,150.00
14-103 Office Supplies and training, Tax Coordinator ..	1,000.00

Total Expenses	\$ 2,150.00
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TOTAL, ITEM 14	\$ 69,302.00
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Item 15. Tax Collector:

15-1 Tax Collector	\$ 7,380.00
15-2 Account Clerk II	4,536.00
15-3 Account Clerk I, 4 @ \$3,936.00 each	15,744.00
15-4 Assistant Tax Collectors, 4 @ \$4,332.00 each ..	17,328.00
15-5 Extra help (Part Time)	3,600.00

Total Salaries	\$ 48,588.00
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15-100 Travel, Tax Collector	\$ 300.00
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Provided, this shall be paid by the board of commissioners on the basis of seven cents per mile.

15-101 Travel, Assistant Collectors, 4 @ \$1,740.00 each	6,960.00
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Total Travel	\$ 7,260.00
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15-102 Office supplies (to include service contracts on machines)	\$ 2,550.00
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Total Expenses	\$ 2,550.00
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TOTAL, ITEM 15	\$ 58,398.00
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Item 16. Magistrates and Constables:

16-1 City Magistrate No. 1	\$ 5,800.00
16-2 City Magistrate No. 2	5,800.00
16-3 Town of Greer Magistrate	3,858.75
16-4 Magistrate, West Greenville	4,800.00
16-5 Magistrate, Bates Township	3,326.40
16-6 Magistrate, Austin Township	2,400.00
16-7 Magistrate, Chick Springs Township	3,326.40
16-8 Magistrate, Special Sunday and Night	2,794.04
16-9 Magistrate, Town of Piedmont	2,188.56
16-10 Magistrate, Fairview Township	1,886.80
16-11 Magistrate, Gantt	1,600.00

16-12	Magistrate, O'Neal Township	803.61
16-13	Magistrate, Town of Batesville	642.84
16-14	Magistrates, 10 @ \$419.23 each	4,192.30
	Highland Township	
	Grove Township	
	Dunklin Township	
	Cleveland Township	
	Oaklawn Township	
	Butler Township	
	Paris Mountain Township	
	Glassy Mountain Township	
	Fork Shoals Township	
	Saluda Township	
	<hr/> Total Salaries, Magistrates	<hr/> \$ 43,419.70
16-15	Constables, 2 @ \$3,525.98 each	\$ 7,051.96
	City Magistrate No. 1	
	City Magistrate No. 2	
16-16	Constable, Town of Greer	2,960.36
16-17	Constable, West Greenville	2,960.36
16-18	Constables, 2 @ \$1,572.25 each	3,144.50
	Chick Springs Township	
	Town of Piedmont	
16-19	Constable, Bates Township	1,188.00
16-20	Constables, 2 @ \$979.25 each	1,958.50
	Austin Township	
	Fairview Township	
16-21	Constable, O'Neal Township	768.63
16-22	Constables, 12 @ \$400.00 each	4,800.00
	Highland Township	
	Grove Township	
	Gantt Township	
	Dunklin Township	
	Cleveland Township	
	Oaklawn Township	
	Butler Township	
	Town of Batesville	
	Paris Mountain Township	
	Glassy Mountain Township	

Fork Shoals Township
Saluda Township

Total Salaries, Constables	\$ 24,832.31
16-23 Clerk Stenographer II, City Magistrate No. 1 ..	\$ 4,332.00
16-24 Clerk Typist II, City Magistrate No. 2	3,744.00
16-25 Clerk Typist I, Chick Springs Township Magistrate	3,396.00
16-26 Clerk, Bates Township Magistrate	2,236.08
16-27 Clerk, Town of Greer Magistrate	1,704.12
16-28 Clerk Typist I, West Greenville Magistrate ...	3,396.00
16-29 Clerk, Cleveland Township Magistrate	880.04
Total, Salaries, Clerical	\$ 19,688.24
16-100 Office Supplies, City Magistrate No. 1	\$ 300.00
16-101 Office Supplies, City Magistrate No. 2	250.00
16-102 Office Supplies, West Greenville Magistrate ..	300.00
16-103 Office Supplies, Town of Piedmont Magistrate	600.00
16-104 Office Supplies, Chick Springs Magistrate	600.00
16-105 Office Supplies, all other Magistrates (to include warrant books)	1,500.00
16-106 Rent, Chick Springs Magistrate	1,800.00
16-107 Rent, West Greenville Magistrate	1,500.00
16-108 Rent, Bates Township Magistrate	800.00
16-109 Rent, Town of Piedmont Magistrate	300.00
16-110 Rent, Town of Greer Magistrate	300.00
16-111 Rent, Austin Township Magistrate	300.00
16-112 Rent, Gantt Township Magistrate	300.00
16-113 Rent, Cleveland Township Magistrate	650.00
16-114 Expenses, Austin Township Magistrate	600.00
16-115 Uniforms—3 constables (City Magistrate No. 1, City Magistrate No. 2, West Greenville Magistrate)	450.00
Total Expenses and Rent	\$ 10,550.00
TOTAL, ITEM 16	\$ 98,490.25

Provided, that Greenville County shall own the uniforms and equipment.

Provided, further, that if any of the above officers shall be replaced, the uniforms and equip-

ment used by them shall be returned to the Sheriff.

Provided, further, that each Magistrate shall fully comply with Section 43-794 of the 1962 Code, relating to the keeping of records and display signs, etc.

Provided, the duties heretofore performed by the Special Sunday and Night Magistrate commencing August 1, 1966 shall be performed by the Magistrate for West Greenville and the Magistrate for Chick Springs Township, and the sum remaining in the appropriation identified as Item 16-8 shall be divided between said magistrates as additional salary.

Item 17. County Physicians and Attorney:

17-1	Physician for post mortems	\$ 6,000.00
17-2	County physician	6,000.00
17-3	County dentist	3,635.00
17-4	County attorney	3,744.00
17-5	County surgeon	3,636.00
Total Salaries		<hr/> \$ 23,016.00
17-100	Travel, County physician	\$ 2,000.00
17-101	Rent and expenses, County attorney	1,800.00
17-102	Medical supplies and expenses (doctor, etc.) for convicts (to include eye glasses, orthopedic appliances, etc.)	6,000.00
17-103	Dental supplies	108.00
Total Expenses		<hr/> \$ 9,908.00
TOTAL, ITEM 17		<hr/> \$ 32,924.00

Provided, the appropriations for medical supplies and eye glasses, orthopedic appliances, etc., for convicts, shall be spent on certification of the County physician.

Provided, further, the surgical schedule used to pay for surgery for convicts shall be the Medical (Surgical) Fee Schedule used by the Vocational Rehabilitation Department of South Carolina, State agency of vocational rehabilitation.

Item 18. Soil and Water Conservation District:

18-1 Stenographer (supplement)\$ 1,800.00

Total Salaries\$ 1,800.00

TOTAL, ITEM 18\$ 1,800.00

Item 19. Farm Demonstration:

19-1 Farm Agent\$ 1,447.90

19-2 Assistant Farm Agent 830.28

19-3 Assistant Farm Agent 405.76

19-4 Home Demonstration Agent 1,589.80

19-5 Assistant Home Demonstration Agent 461.20

19-6 Home Demonstration Agent 1,373.72

19-7 Assistant Farm Agent 553.47

19-9 Stenographer 1,200.00

19-10 Stenographer to Farm Demonstration Agent .. 1,560.00

Total Salaries\$ 9,422.13

19-100 Demonstration supplies\$ 350.00

19-101 4-H Club 350.00

19-110 Future Farmers of America 200.00

19-111 Greater Greenville Sanitation Department (to
destroy, haul and dispose of dead animals) 4,500.00

19-112 Farmer's Wholesale Market 13,500.00

Total Expenses\$ 18,900.00

TOTAL, ITEM 19\$ 28,322.13

Item 20. County Forestry Board:

20-1 Clerk, 8 months @ \$35.35 per month, 4 months

@ \$189.29\$ 1,039.96

20-2 1 tractor driver 531.30

Total, Salaries\$ 1,571.26

20-100 1 Ranger and 3 Wardens @ \$571.70 per year
each for travel and expense\$ 2,286.8020-101 4 Towermen @ \$76.30 per year for travel and
expense 305.20

Total Travel and Expense\$ 2,592.00

TOTAL, ITEM 20\$ 4,163.26

Item 21. Charitable Institutions:

21-100 Children's Center	\$ 4,000.00
21-101 Greenville Rescue Mission	1,200.00
21-102 Salvation Army	1,000.00
21-103 Simpsonville Relief Agency	300.00
21-105 Fountain Inn Relief Agency	300.00
21-106 Civil Defense	15,000.00
21-107 Mental Health Clinic	43,695.50
21-108 Parks and Recreation—City of Greenville	15,000.00
21-109 Parks and Recreation—City of Greer	2,000.00

TOTAL, ITEM 21\$ 82,495.50

Provided, that the State Mental Health authorities are authorized to charge such patients as are financially able to pay a reasonable fee based on their ability to pay as may be determined by the authorities with such monies realized to be used for the purpose of improving the services at the Greenville Mental Hygiene Clinic.

Item 22. Department of Public Welfare:

22-1 Salary Supplements	\$ 2,119.68
22-2 Child Worker	4,800.00
<hr/>	
Total Salaries	\$ 6,919.68
22-100 Travel, 10 Case Workers @ \$33.00 per month each	\$ 3,960.00
22-101 Travel and Expense, Chairman of Board	330.00
22-102 Telephone and Western Union	5,500.00
22-103 Emergency Relief Purposes	3,000.00
22-104 Foster Home Care	25,100.00
22-105 Miscellaneous and Incidentals	700.00

Total Expenses 38,590.00

TOTAL, ITEM 22\$ 45,509.68

Provided, that the above appropriation shall be spent on approval by the Department of Public Welfare Board.

Item 23. Juvenile and Domestic Relations Court:

23-1 Judge, Juvenile and Domestic Relations Court..	\$ 10,500.00
23-2 Judge, Juvenile and Domestic Relations Court—	10,500.00
23-3 Account Clerk I	4,848.00
23-4 Account Clerk I	4,332.00
23-5 Clerk Stenographer II	4,752.00
23-6 Clerk Stenographer II	4,332.00
23-7 Clerk Stenographer I	3,936.00
23-8 Clerk Typist II	4,116.00
23-9 Chief Probation Officer	6,384.00
23-10 Probation Officers, 8 @ \$5,508.00 each	44,064.00
23-11 Superintendent of Holmesview	3,228.00
23-12 Maid	2,784.00
23-13 Cook	2,784.00

Total Salaries

\$106,560.00

23-100 Travel, Judges, 2 @ \$1,200.00 each

\$ 2,400.00

23-101 Travel, Chief Probation Officer

1,100.00

23-102 Travel, Probation Officers, 8 @ \$660.00 each

5,280.00

Total Travel

\$ 8,780.00

23-120 Detention Home Expenses

\$ 9,110.00

23-121 Office Supplies and Expense

4,000.00

23-122 Special Mileage Expense

800.00

23-123 Judge's Special Fund

1,000.00

Total Expenses

\$ 14,910.00

TOTAL, ITEM 23

\$130,250.00

Provided, that the above appropriation shall be
spent on approval by the Juvenile and Domestic
Relations Board.

Item 24. Rehabilitation Center:

24-1 Rehabilitation Center Superintendent	\$ 7,380.00
24-2 Assistant Rehabilitation Center Superintendent	6,384.00
24-3 Clerk Typist II	4,116.00
24-4 Food Service Supervisor I	4,332.00
24-5 Chaplain	6,696.00
24-6 Guard (Pipe Plant Supervisor)	4,536.00
24-7 Guard (Sign Shop, Paint & Body, Maintenance, Farm Supervisors) 4 @ \$4,116.00 each	16,464.00

24-8 Wardens, 3 @ \$4,536.00 each (Night Correction)	13,608.00
24-9 Rehabilitation Center Projects Supervisor	5,508.00
24-10 Warden (Night Relief Instructor) (P. T.)	1,000.00
24-11 Shoe Repair Instructor (P. T.)	700.00
24-12 Salary supplement (transporting janitors— overtime or parttime work)	1,500.00
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Total Salaries	\$ 72,224.00
24-110 Inmate Maintenance	18,800.00
24-111 Institutional Maintenance	13,850.00
24-112 Industries Program	55,006.00
24-113 Permanent Improvements	8,450.00
<hr/>	
Total Expenses	\$ 96,106.00
<hr/>	
TOTAL, ITEM 24	\$168,330.00
<i>Provided</i> , that the budget of the Rehabilitation Center shall be approved by the Greenville County Legislative Delegation and a salary schedule submitted to the board of commissioners for approval prior to July 1, 1966.	
Item 25. County Home.	
Item 26. County Nursing Home:	
<i>Provided</i> , an itemized budget shall be submitted to the delegation for approval prior to July 1, 1966 by both County Home and Nursing Home.	
<i>Provided</i> , further, that the Greenville County Home Board and County Nursing Home Board are empowered to promulgate rules and regulations to govern the operation of their respective departments.	
Item 27. Vacant	
Item 28. Extra help and office expenses—Service officer \$	4,907.00
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Total extra help and expenses	\$ 4,907.00
Item 29. Probation Officer—Supplies	\$ 250.00
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Total	\$ 250.00

Item 30. Greenville Technical Education Center	\$140,736.45
Total	\$140,736.45
Item 31. Greenville County Planning Commission	\$ 93,075.00
Total	\$ 93,075.00
GRAND TOTAL	\$3,295,390.42
Anticipated approximate revenue indirect levy for 1966-1967 applicable to General County purposes approximately	\$2,848,957.99
Approximate revenue to be raised by levy for General County Purposes	\$446,132.43

SECTION 3. Subitems of subdivisions under Section 1, Item 1, of this act may be diverted to any other subdivision under the same item, where such action is found to meet the deficiency in such subitem or subdivision, such diversions to be made by the County Board of Commissioners and upon and after the approval of the Greenville County Legislative Delegation at a duly called meeting; *provided*, the total appropriation of Item 1 be not thereby exceeded; *provided*, further, that like diversion in other items under Section 2 may be likewise made where no salary or fixed charge is thereby affected.

SECTION 4. Item 9, entitled "Contingent Fund", of fifteen thousand dollars hereinabove referred to, shall be expended in the discretion of, and under the direction of the Greenville County Delegation upon claims, demands and petitions previously approved by the County Board of Commissioners and for such purposes as may be prescribed by the delegation at regular called meetings duly assembled. *Provided*, that notices of any meeting shall state the matters to be considered, and any question or proposal not stated in the notice of a called meeting shall not be passed upon at such meetings unless as many as six members present vote in favor of considering the same.

SECTION 5. The amount hereinabove appropriated as salary for the county auditor and county treasurer are estimates only. The exact amount to be paid by this act appropriated as salary for each of such officers is a sufficient sum to make a total of seven thousand three hundred ninety-two dollars when added to the amount paid by the State.

SECTION 6. Members of the Board of Assessors for Greenville County, including the members of the Special Board of Assessors for the City of Greenville, shall be paid twenty dollars per day for their services. The members of the board shall be paid seven cents per mile for all necessary travel incident to their work. The special board for the City of Greenville may employ a clerk, who shall receive as compensation for his or her services the sum of five dollars per day for not exceeding ninety days. *Provided*, that no one shall be employed for the purpose without the prior approval and authorization of the chairman of the board. Members of the review board shall be paid twenty-two dollars and fifty cents per day for their services as review board members.

SECTION 7. The County Board of Commissioners of Greenville County is hereby authorized to reduce the annual tax levy of any subdistrict of Greater Greenville Sewer District whenever it shall appear to the commission that the levy of any such subdistrict is excessive and higher than necessary to meet the debt service requirements and operating expenses of such subdistrict.

SECTION 8. The County Board of Commissioners of Greenville County, with the approval of the Greenville County Legislative Delegation, is hereby authorized to acquire from the United States of America, or any agency, department, authority, corporation or commission thereof, by purchase, lease, loan, gift, or otherwise, such equipment, machinery, supplies, materials or property, real or personal, both as the county board of commissioners in its discretion shall deem necessary or beneficial to Greenville County or to any of its political subdivisions and to execute and deliver for and on behalf of the county, or any of its political subdivisions, any contract, lease or other instruments as may be necessary to consummate any transaction. The county board of commissioners shall make payment from the general funds of Greenville County for any property purchased hereunder, and there is hereby appropriated for such purpose from the general funds of Greenville County whatever sum or sums shall be necessary to carry out the purposes of this section.

SECTION 9. The County Board of Commissioners of Greenville County, subject to the written approval of the Supervisor of Greenville County, is hereby authorized to contract with the South Carolina Highway Department for the construction by the county of any road or street within the county, and to pay all cost of construction

thereof out of the general fund of the county pending the payment from the Highway Department for such construction. Any excess funds which may be received from the Highway Department over and above construction costs may be used by the Supervisor of Greenville County in improving and constructing roads within the county.

SECTION 10. The board of commissioners or their designated representative shall purchase all materials, supplies and equipment for Greenville County. No department head of Greenville County shall make any purchase or contract to purchase any materials, supplies, or equipment without prior approval of the county board of commissioners. The board of commissioners shall have the authority to accept or reject all bids. The board may waive advertisement for bids when it feels it is the best interest of the county to do so.

The board shall further have the right to formulate such rules and regulations as will insure proper purchasing for the county and may prescribe such forms and bookkeeping methods as may be necessary to carry out the purposes of this section. No purchases shall be approved by the board which involve any obligation over and above the appropriation provided for such purposes.

SECTION 11. Should any part or section of this act be invalidated by court decision on the grounds of illegality or unconstitutionality such decision shall render invalid or inoperative only such portion of this act as may be specifically so invalidated, the remainder to continue in full force and effect.

SECTION 12. All expenditures heretofore authorized by the Greenville County Legislative Delegation and not heretofore validated are hereby ratified and validated.

SECTION 13. No department, agency or officer of Greenville County shall receive additional pay or any overtime pay during the period for which the appropriations are made in this act.

SECTION 14. No full-time county employee shall receive extra compensation from the county or private sources for work done on county time or with county equipment or supplies.

PART II

Permanent Provisions

SECTION 1

Notwithstanding the provisions of any other act the voting place for Berea Precinct shall be changed to the gymnasium of the new Berea High School.

This act shall take effect upon approval by the Governor.

Approved the 1st day of June, 1966.

(R1416, H2680)

No. 1290

An Act To Enlarge Paris Mountain Water And Sewer District In Greenville County; To Authorize Paris Mountain Water And Sewer District Commission To Issue General Obligation Bonds Of Paris Mountain Water and Sewer District In The Amount Of Not Exceeding Fifty-five Thousand Dollars; And To Prescribe The Conditions Under Which The Bonds May Be Issued, The Use Of Their Proceeds And To Make Provision For The Payment Of The Bonds.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Findings of General Assembly.—As an incident to the enactment of this act, the General Assembly has made the following findings of fact:

(1) That by Act No. 561 of the Acts of the General Assembly for the year 1961 (Act 561) Paris Mountain Water and Sewer District (the District) was created.

(2) By Act 561 the governing agency of the District, Paris Mountain Water and Sewer District Commission (the Commission), was empowered to issue general obligation bonds of the District, if the election required thereby resulted favorably, and to apply the proceeds, in the discretion of the Commission, for the purpose of providing funds to construct a water or sewer system, or both, in the District. The election was held upon the question of issuing bonds for a waterworks system, resulted favorably, and thereafter the Commission issued bonds of the District in the amount of one

hundred seventy-five thousand dollars and applied their proceeds to the construction of a waterworks system.

(3) An area in Greenville County (hereafter described) contiguous to the District and lying generally north thereof is in need of water distribution facilities, and proceedings have been taken pursuant to Act 627 of the Acts of 1960 for its annexation. The result of such action indicates a desire on the part of the area to become part of the District, and the Commission has indicated its approval of such action. An appropriate investigation has been made by the General Assembly, and it has determined:

- (a) that the proposed area hereafter described should be annexed to and become part of the District; and
- (b) that the Commission be empowered to issue additional general obligation bonds of the District in an amount not exceeding fifty-five thousand dollars, in order to provide funds with which to extend existing distribution facilities within the District to the area to be annexed.

SECTION 2. Area.—That area in Greenville County, fully described as follows, is hereby annexed to and made a part of the District, and the powers, functions and duties committed to the Commission by Act 561 of 1961 are extended to the District as hereby enlarged:

All that area situate, lying and being in the State of South Carolina, County of Greenville, contiguous to Paris Mountain Water and Sewer District, beginning at a point on the boundary of Paris Mountain Water and Sewer District near and west of Sleepy Hollow Drive and running thence along the boundary of said District N. 44-00 W. 726.0 feet to a point; thence continuing along the boundary of said District S. 6-26 W. 708.8 feet to a point; thence continuing along the boundary of said District N. 63-25 W. 79.6 feet to a point; thence continuing along the boundary of said District N. 67-55 W. 166.3 feet to a point; thence continuing along the boundary of said District S. 80-41 W. 65.4 feet to a point; thence continuing along the boundary of said District N. 61-19 W. 166.3 feet to a point; thence continuing along the boundary of said District N. 61-49 W. 124.1 feet to a point; thence continuing along the boundary of said District N. 54-46 W. 79.0 feet to a point; thence continuing along the boundary of said District N. 59-44 W. 117.0 feet to a point; thence continuing along the bound-

ary of said District N. 68-32 W. 108.0 feet to a point; thence continuing along the boundary of said District N. 66-04 W. 201.0 feet to a point; thence continuing along the boundary of said District S. 7-22 W. 246.0 feet to a point; thence in a northerly direction continuing along the boundary of said District 1,500 feet more or less, to a point; thence continuing along the boundary of said District N. 45-0 E. 1,269.0 feet to a point; thence continuing along the boundary of said District N. 15 W. 650.0 feet to a point; thence S. 66 E. 100 feet to a point; thence N. 35 E. 550 feet to a point; thence S. 65-10 E. 825 feet to a point; thence S. 24 E. 25.0 feet to a point; thence S. 13-45 E. 752.0 feet to a point; thence S. 81-30 E. 1,848.0 feet to a point in the boundary of Piedmont Park District, which point is 200 feet from the center of Buckhorn Road; thence along the boundary of Piedmont Park District 1,200 feet, more or less, to a point; thence S. 33-30 W. 450.0 feet to the center of Fairview Drive; thence S. 33-30 W. 892.9 feet to a point; thence S. 3-45 W. 909.1 feet to a point; thence S. 5-30 W. 450.0 feet to a point; thence along the boundary of Paris Mountain Water and Sewer District N. 58-45 W. 279 feet to a point; thence continuing along the boundary of said District S. 79-25 W. 514.5 feet to a point; thence continuing along the boundary of said District N. 16-22 W. 117.2 feet to a point; thence continuing along the boundary of said District N. 72-10 E. 845 feet to a point; thence continuing along the boundary of said District N. 26-30 E. 570.0 feet to a point; thence continuing along the boundary of said District S. 78-50 W. 1,144.0 feet to the point of beginning.

SECTION 3. Commission may issue bonds.—In order that the District may obtain funds with which to extend the existing waterworks system of the District into the area by this act annexed to the District, the Commission is authorized and empowered to issue not exceeding fifty-five thousand dollars of general obligation bonds of the District. The funds shall be expended to meet the cost of constructing the additional water distribution facilities and costs incident thereto, including, if the Commission shall so determine, the payment of interest on the bonds authorized by this act for a period of not exceeding six months.

SECTION 4. Maturity.—All bonds issued pursuant to this act shall mature in such annual series or installments as the Commission

shall provide for, and the Commission may, in its discretion, arrange the maturity schedule so that the bonds authorized by this act shall be expressed to mature subsequent to the last maturing of the one hundred seventy-five thousand dollars of bonds heretofore issued.

SECTION 5. Redemption.—Any bond issued pursuant to this act may be issued with a provision permitting its redemption prior to its stated maturity at par and accrued interest, plus such redemption premium as may be prescribed by the Commission, but no bond shall be redeemable prior to its stated maturity unless it contains a statement to that effect. In the proceedings authorizing the issuance of the bonds, provision shall be made specifying the manner of call and the notice thereof that must be given as to bonds made redeemable prior to their stated maturities.

SECTION 6. Form.—The bonds issued pursuant to this act shall be in the form of negotiable coupon bonds, payable to bearer, but may be issued with the privilege to any holder of having them registered as to principal on the books of the Treasurer of Greenville County, upon such conditions as the Commission may prescribe. Except when so registered, all bonds issued pursuant to this act shall have all attributes of negotiable instruments under the law merchant and the negotiable instruments law.

SECTION 7. Denomination.—The bonds issued pursuant to this act shall be of such denomination and shall be made payable at such places, within or without the State, as the Commission shall provide.

SECTION 8. Interest.—Bonds issued pursuant to this act shall bear interest at rates determined by the Commission, not exceeding four and one-half per cent per annum.

SECTION 9. Execution.—The bonds and the coupons to be thereunto attached shall be executed in such manner as the Commission shall by resolution prescribe.

SECTION 10. Sale.—Bonds issued pursuant to this act shall be sold at a price of not less than par and accrued interest to the date of their delivery. They may be sold at either public or private sale, with or without advertisement, in the discretion of the Commission.

SECTION 11. Payment.—For the payment of the principal and interest of all bonds issued pursuant to this act, as they respectively mature, and for the creation of such sinking fund as may be neces-

sary therefor, the full faith, credit and taxing power of the District shall be irrevocably pledged, and there shall be levied annually by the Auditor of Greenville County and collected by the Treasurer of Greenville County, in the same manner as county taxes are levied and collected, a tax without limit on all taxable property in the District, sufficient to pay the principal and interest of such bonds as they respectively mature and to create such sinking fund as may be necessary therefor.

SECTION 12. Exempt from taxes.—The principal and interest of bonds issued pursuant to this act shall have the tax exempt status prescribed by Section 65-4.1, Code of Laws of South Carolina, 1962.

SECTION 13. Proceeds.—The proceeds derived from the sale of any bonds issued pursuant to this act shall be paid to the Treasurer of Greenville County, to be deposited in a Bond Account Fund for the Paris Mountain Water and Sewer District, and shall be expended and made use of as follows:

(a) Any accrued interest shall be applied by the County Treasurer to the payment of the first installment of interest to become due on the bonds.

(b) Any premium shall be applied to the payment of the first installment of principal of the bonds.

(c) The remaining proceeds shall be expended, upon the warrant or order of the Commission, for the following purposes:

(i) To defray the costs of issuing the bonds authorized by this act; and

(ii) To defray the costs of constructing the additional facilities above referred to, as such costs have been heretofore defined.

(d) If, after the final completion of the Commission's program, the Commission shall certify to the Treasurer of Greenville County that any remaining balance in the Bond Account is no longer needed for its program, then such balance shall be held by the Treasurer and used to effect the retirement of bonds then outstanding, which shall have been issued pursuant to this act.

SECTION 14. No other action necessary.—No action other than that prescribed in this act need be taken to effect the issuance of the bonds herein authorized, nor shall the Commission be required to obtain the approval of any public agency to any action taken pursuant to the authorizations of this act.

SECTION 15. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 26th day of May, 1966.

(R753, H1962)

No. 1291

An Act Authorizing The Finance Board Of Greenwood County To Convey A Certain Piece Of Real Property.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Greenwood County may convey property.—The Finance Board of Greenwood County is authorized to convey nine and eighty-four hundredths acres of real property adjoining the county fair grounds to Will John Langley and Gladys Dixon Langley for the sum of nine thousand dollars. Such property shall be used for industrial development only.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 26th day of January, 1966.

(R772, H2034)

No. 1292

An Act To Amend Act No. 633 Of The Acts Of The General Assembly Of South Carolina Of 1965, Relating To The Issuance Of Bonds By Greenwood County, By Authorizing The Issuance Of An Additional One Hundred Thousand Dollars Of Bonds For County Jail Purposes And Increasing The Amount Of General Obligation Bonds Authorized To An Amount Not To Exceed Eight Hundred Seventy Thousand Dollars, And To Amend Paragraph (4) Of Section 4 Of The Act Providing How The Proceeds Of The Bonds Shall Be Paid Out.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Renovations to old jail found necessary—cost.—Whereas, by Act No. 633 of the Acts of 1965, the Finance Board of Greenwood County was authorized to issue general obligation

bonds of Greenwood County in an amount not to exceed seven hundred seventy thousand dollars. It has now been determined that certain renovations and additions to the old county jail are necessary which will cost not exceeding one hundred thousand dollars.

SECTION 2. Section 1 of Act 633 of 1965 amended—Greenwood County may borrow money—bonds.—Section 1 of Act No. 633 of 1965 is amended by deleting the section and inserting in lieu thereof the following:

“Section 1. The Finance Board of Greenwood County is authorized to borrow, for the following purposes a sum not exceeding the amount shown opposite the respective item, which shall be for the purposes as set forth herein and as referred to above:

(1) Courthouse, not exceeding	\$250,000.00
(2) To refinance a loan obtained for the purpose of building and equipping the Nurses' Home at Brewer Hospital	45,000.00
(3) Mental Health Center	25,000.00
(4) County Health Building	80,000.00
(5) Lander College	270,000.00
(6) Technical Education Training Center	100,000.00
(7) Remodeling or renovating old County Jail and/ or building and equipping an addition to the existing County Jail	100,000.00
TOTAL	\$870,000.00

In addition to the above amounts, where refinancing is determined desirable by the Finance Board, the board may borrow an additional sum for each such item, so as to provide for the payment of interest and costs in connection with the respective loans already obtained.

The bonds shall be issued either as a single issue or from time to time in separate issues. The amount so borrowed may be borrowed at one time as part of one issue for all respective items set forth herein, or may be borrowed for any individual items, and the bonds shall mature in such annual series or installments as the board shall provide, except that the maturity date of the last installment of the bonds or any series thereof shall be not later than thirty years from the date the bonds bear, and the first maturity date of any series may be postponed not more than three years from the date the bonds bear. Any bond issued may, at the discretion of the board, contain a provision permitting its redemption prior to its stated maturity at

such time, upon such terms and at such premiums as shall be prescribed by the board. The bonds shall be of such denomination, shall bear such rate or rates of interest as the board may determine, payable semiannually or on such occasion as the board shall determine. The bonds shall bear such date and be payable at such place as the board may determine. The bonds may be issued with the privilege to the holder of having them registered as to principal on the books of the Treasurer of Greenwood County, and the principal thus made payable to the registered holder, unless the last registered transfer shall have been to bearer, upon such conditions as the board may prescribe."

SECTION 3. Paragraph (4) of Section 4 of Act 633 amended—payment of funds.—Paragraph (4) of Section 4 of Act No. 633 is amended by deleting the paragraph and inserting in lieu thereof the following:

"(4) All funds shall be paid out on vouchers or warrants signed by the County Supervisor and the Clerk of the Finance Board, and in the event of the incapacity of either the County Supervisor or the Clerk of the Finance Board, the County Treasurer shall sign in the place and stead of the Supervisor or Clerk, as the case may be."

SECTION 4. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 16th day of February, 1966.

(R847, H2092)

No. 1293

An Act To Provide For The Sale Of Certain Property Of Greenwood County Controlled By The Greenwood County Electric Power Commission, To Provide For The Lease Of The Lake Greenwood Reservoir And Power Facilities Of Buzzard's Roost Dam If An Election Results Favorably Thereto, To Create An Advisory Board To Advise The Governing Body Of Greenwood County On The Investment Of Certain Funds And To Create The Lake Greenwood Recreation Commission.

Whereas, Duke Power Company, an electrical utility doing business in Greenwood County and surrounding counties in South Carolina, has made an offer in writing dated May 28, 1965, to purchase

the properties of the Greenwood County Electric Power Commission which offer is incorporated by reference into this act; and

Whereas, the properties of the Greenwood Electric Power Commission are owned by the people of Greenwood County who should decide for themselves whether the offer of Duke Power Company should be accepted or rejected. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Referendum on sale of Greenwood County Electric Power Commission property to Duke Power Company.—The Greenwood County Commissioners of Election shall conduct a referendum on April 12, 1966, during the hours provided for special elections, to ascertain the wishes of the qualified electors of Greenwood County on the question of whether they favor the sale of the property of Greenwood County controlled by the Greenwood County Electric Power Commission to Duke Power Company, excluding the reservoir known as Lake Greenwood and the hydro-electric generating facilities at Buzzard's Roost. The commissioners of election shall publish the information relating to the referendum once a week for two consecutive weeks in a newspaper having general circulation in the area within thirty days of the date of the referendum.

SECTION 2. Election—conduct of.—The commissioners of election shall have printed a sufficient number of ballots and have them distributed at the voting places. The ballots shall read as follows:

"Do you favor the sale of the property of Greenwood County controlled by the Greenwood County Electric Power Commission exclusive of the Lake Greenwood Reservoir and the hydro-electric generating facilities at Buzzard's Roost to Duke Power Company?

In favor of ☐

Opposed to ☐

Those voting in favor of the question shall deposit a ballot with a check or cross mark in the square after the words 'In favor of' and those voting against the question shall deposit a ballot with a check or cross mark in the square after the words 'Opposed to.' "

The officials responsible for canvassing the results of the election shall, within ten days, certify such results to the clerk of court of the county and to the Secretary of State.

SECTION 3. Sale of property if referendum favorable.—If in the referendum provided herein more than one-half of the total number of voters voting in the special election vote in favor of the

sale, the Greenwood County Finance Board shall sell and convey all properties of Greenwood County controlled by the Greenwood County Electric Power Commission, excluding the reservoir which is formed by the dam at Buzzard's Roost on the Saluda River and the hydro-electric plant and further excluding all real estate under the control of the Electric Power Commission which is not devoted to or used in the normal operations of the business of the Commission and which is not a part of the basin or reservoir of Lake Greenwood, to Duke Power Company and shall execute all legal instruments necessary thereto. If the referendum results in a majority vote opposed to the sale, then the Greenwood County Electric Power Commission shall be deemed fully authorized to proceed with the necessary expansion of its facilities to meet the power production and distribution needs of its system, as the commission determines such needs, and the Finance Board of Greenwood County shall be deemed fully authorized to execute revenue bonds to finance such expansions, as may be requested by the commission (none of which bonds shall pledge the tax obligation of Greenwood County) and to take such other action as may be necessary to proceed with the expansion program, all as may be requested by the commission.

SECTION 4. Terms and conditions of sale.—The terms and conditions of the sale are as follows:

1. Duke Power Company shall pay to Greenwood County the sum of twelve million nine hundred eighteen thousand one hundred seventy-six dollars. The purchase price shall be adjusted to the date of closing to reflect additions to and retirements of plant, as well as changes in other asset and liability values from December 31, 1964, for the Greenwood County Electric Power System and June 30, 1964, for the Greenwood County Rural Electric System. Final asset and liability values at the closing date shall be certified by independent certified public accountants selected by the Finance Board. The proceeds of this sale shall be invested by the Finance Board for a period of twenty-five years, during which time the principal shall not be used for any purpose. In no event shall any portion of the principal be expended without first submitting the proposed expenditure by referendum to the qualified electors of Greenwood County and securing a majority vote in such referendum favorable to the expenditure. The income from the investment of the principal shall be used by the Governing Body of Greenwood County for the payment of principal and interest of general county bond indebtedness and for general county purposes.

2. Duke Power Company shall lease the above-described reservoir and hydro-electric generating facilities from Greenwood County for an annual rental of two hundred fifty thousand dollars per year for a term of forty years payable annually in advance. The dam and hydro-electric facilities shall be maintained and operated by Duke Power Company and the cost of replacements or improvements during the term of the lease shall be borne by Duke Power Company. The lessee shall further bear any cost involved in the renewal of the Federal Power Commission license for operation of the hydro-electric facility, including the cost of any legal requirements regarding features of the lake or dam operation imposed by the licensing agency. The lease shall provide that Duke Power Company shall operate the hydro-electric facilities in regard to the level of water within the reservoir in general conformity with the pattern of operation of water levels during each season of the year established by the county commission during its operation of the facilities and in such a manner as not to cause the water level to go below the lowest draw down mark maintained at that season of the year by the county commission. The lease shall further provide that all recreation and fishing in the lake and any other allied endeavor shall be controlled by the governing body of Greenwood County. The lease shall further provide that malaria control and other allied endeavors previously performed by the commission shall be performed by Duke Power Company. Expenses incurred therein shall be borne by Duke Power Company.

3. The rates to be charged for electric power for all connections which exist at the consummation of the sale shall be the lower of the rates charged by the Greenwood County Electric Power Commission and Duke Power Company and the same shall not be grounds for any claim alleging discrimination. The rates to be charged for electric power for connections after the date of the sale shall be the applicable rates of Duke Power Company. As used herein the word "connections" shall be deemed to mean the physical connection of a residence or business establishment and shall have no reference to the person or business firm occupying the premises so connected, and the benefit of the lower rate shall continue although the person or firm occupying such premises may change from time to time.

4. The sales agreement shall confirm the written proposal of Duke Power Company regarding the continued employment of the present employees of the county commission and the terms and places of their employment.

5. The sale shall be consummated on July 1, 1966.

SECTION 5. Advisory board.—An advisory board, consisting of five members, shall be appointed by a majority of the Legislative Delegation of Greenwood County for the purpose of advising the governing body of the county upon the investment of funds derived from the provisions of this act. They shall serve for terms of three years or until their successors are appointed and qualify and shall receive no compensation.

SECTION 6. Lake Greenwood Recreation Commission created.—There is hereby created the Lake Greenwood Recreation Commission which shall consist of seven members who shall be appointed by a majority of the Legislative Delegation of Greenwood County. The members shall serve for terms of three years or until their successors are appointed and qualify. They shall receive no compensation. They shall make recommendations periodically regarding the use of Lake Greenwood for fishing, boating, water skiing and other recreational activities. At least one member shall be a person who is an active fisherman, one member shall be a residential property owner on the shores of Lake Greenwood and one member shall be a person who actively engages in boating and water skiing activities.

SECTION 7. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 11th day of March, 1966.

(R1165, H2542)

No. 1294

A Joint Resolution Proposing An Amendment To Section 5 Of Article X Of The Constitution, Relating To The Bonded Indebtedness Of Certain Political Subdivisions, So As To Permit Greenwood School District No. 51 Of Greenwood County To Incur Bonded Indebtedness Up To Twenty Per Cent Of The Assessed Value Of The Taxable Property Therein, And To Eliminate Consideration Of Such Indebtedness In Determining The Total Amount Of Indebtedness Over And Upon Such Territory.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Amendment to Article X, Section 5, State Constitution, proposed—bonded indebtedness, Greenwood School Dis-

trict No. 51.—There is proposed the following amendment to Section 5 of Article X of the Constitution of this State: add at the end of the section the following proviso: "*Provided*, that the limitations as to bonded indebtedness imposed by this section shall not apply to Greenwood School District No. 51 of Greenwood County, and that the school district may incur bonded indebtedness for school purposes to an amount not exceeding twenty per cent of the assessed value of all taxable property therein. The bonded indebtedness of School District No. 51 of Greenwood County shall not be considered in determining the power to incur bonded indebtedness by Greenwood County or by any political subdivision of the county or of the State wholly covering or partially extending over the territory within the school district."

SECTION 2. Submission to electors.—The proposed amendment shall be submitted to the qualified electors at the next general election for representatives. Ballots shall be provided at the various voting precincts with the following words printed or written thereon: "Shall Section 5 of Article X of the Constitution of this State be amended so as to permit Greenwood School District No. 51 of Greenwood County to increase its bonded indebtedness up to twenty per cent of the assessed value of the taxable property therein, and to eliminate consideration of such indebtedness in determining the total amount of indebtedness over and upon the territory within the school district?"

In favor of the amendment ☐

Opposed to the amendment ☐

Those voting in favor of the amendment shall deposit a ballot with a check or cross mark in the square after the words 'In favor of the amendment', and those voting against the amendment shall deposit a ballot with a check or cross mark in the square after the words 'Opposed to the amendment'."

Ratified the 6th day of May, 1966.

(R1224, S735)

No. 1295

A Joint Resolution Proposing An Amendment To Article XVII of the Constitution of South Carolina, 1895, By Adding A New Section So As To Provide For The Use Of Funds Realized By Greenwood County In The Sale Of Its Electric Properties And System.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Amendment to Article XVII, State Constitution, proposed—add Section 13—Greenwood County—use of funds realized from sale of property.—There is proposed the following amendment to Article XVII of the Constitution of this State by adding Section 13 to read as follows:

“Section 13. Funds realized by Greenwood County from the sale of its electric properties and system shall be held intact as an investment fund. Only investments in securities permitted by law may be made and then only by the governing body of the county. No portion of the principal amount of the fund shall be used for any other purpose.”

SECTION 2. Submission to electors.—The proposed amendment shall be submitted to the qualified electors at the next general election for representatives. Ballots shall be provided at the various voting precincts with the following words printed or written thereon: “Shall Article XVII of the Constitution of this State be amended so as to add a new section to provide that funds realized by Greenwood County from the sale of its electric properties and system be held intact and be used for investments permitted by law?”

In favor of the amendment ☐

Opposed to the amendment ☐

Those voting in favor of the amendment shall deposit a ballot with a check or cross mark in the square after the words ‘In favor of the amendment’, and those voting against the amendment shall deposit a ballot with a check or cross mark in the square after the words ‘Opposed to the amendment’.”

Ratified the 12th day of May, 1966.

(R1260, H2603)

No. 1296

A Joint Resolution Proposing An Amendment To Section 5 Of Article X Of The Constitution Of This State, Limiting The Bonded Indebtedness Of Political Subdivisions, So As To Permit Greenwood County To Incur Bonded Indebtedness Not Exceeding Twenty-five Per Cent.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Amendment to Article X, Section 5, State Constitution, proposed—Greenwood County—bonded indebtedness.

—It is proposed that the proviso relating to the bonded limitation of Greenwood County in Section 5 of Article X of the Constitution of this State, as amended by Act No. 3 of 1965, be further amended on line twelve of such act by striking the word “twelve” and inserting “twenty-five”, so that when amended the proviso shall read as follows: “*Provided*, that the limitations imposed by this section shall not apply to Greenwood County, and that the county may incur a bonded indebtedness not exceeding twenty-five per cent of the assessed value of all taxable property in the county.”

SECTION 2. Submission to electors.—The proposed amendment shall be submitted to the qualified electors at the next general election for representatives. Ballots shall be provided at the various voting precincts with the following words printed thereon:

“Shall Section 5 of Article X of the Constitution of this State be amended so as to permit Greenwood County to incur bonded indebtedness not exceeding twenty-five per cent of the assessed value of all taxable property in the county?”

In favor of the amendment ☐

Opposed to the amendment ☐

Those voting in favor of the amendment shall deposit a ballot with a check or cross mark in the square after the words ‘In favor of the amendment’ and those voting against the amendment shall deposit a ballot with a check or cross mark in the square after the words ‘Opposed to the amendment.’”

Ratified the 12th day of May, 1966.

(R1290, S810)

No. 1297

An Act To Amend Act 574 Of The Acts Of 1961, Relating To The Chinquapin Road Public Service District In Greenwood County, So As To Commit To The District The Function Of Providing Sewerage Treatment Facilities And Trunk Sewer Lines.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. First paragraph of Section 4 of Act 574, 1961, amended—sewage treatment facilities—trunk sewer lines.—The

first paragraph of Section 4 of Act 574 of 1961 is amended by inserting on the third line between the words "district" and "and" the following: ", the function of providing sewerage treatment facilities and trunk sewer lines to serve the drainage area,". When so amended, the first paragraph shall read as follows:

"Section 4. There is committed to the district the function of providing an adequate water supply for fire protection and for the use of the residents of the district, the function of providing sewerage treatment facilities and trunk sewer lines to serve the drainage area, and the function of providing an adequate garbage collection service, but additional functions may be committed to the district by subsequent legislation. The commission shall be empowered as follows:".

SECTION 2. Item (8) of Section 4 of Act 574, 1961, amended—sewer system.—Item (8) of Section 4 of Act 574 of 1961 is amended by inserting on the second line between the words "system" and "as" the following: "and sewer system". When so amended, item (8) shall read as follows:

"(8) To build, acquire, construct, operate and maintain such water system and sewer system as shall, in the opinion of the commission, be necessary for the district."

SECTION 3. Item (9) of Section 4 of Act 574, 1961 amended—contracts for operation of water systems and sewer systems.—Item (9) of Section 4 of Act 574 of 1961 is amended by inserting on the third line between the words "systems" and "on" the following: "and sewer systems". When so amended, item (9) shall read as follows:

"(9) To enter into contracts with the governing agencies of municipal corporations and private corporations in Greenwood County operating waterworks systems and sewer systems on terms and conditions to be mutually agreed upon."

SECTION 4. Item (10) of Section 4 of Act 574, 1961, amended—rates for water system and sewer system.—Item (10) of Section 4 of Act 574 of 1961 is amended by inserting on the second line between the words "service" and "as" the words "and sewer service", and is further amended by inserting on the fifth line between the words "system" and "made" the words "and sewer system". When so amended, item (10) shall read as follows:

"(10) To impose such schedule of water rates and charges for water system service and sewer service as the commission shall from

time to time approve. To that end the commission shall be empowered to place into effect and to revise, whenever it so wishes or may be so required, a schedule of rates for the water system and sewer system made available by it to persons, firms and corporations within the district."

SECTION 5. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 8th day of June, 1966.

(R1304, S807)

No. 1298

An Act To Authorize The Board Of Trustees Of School District No. 52 Of Greenwood County To Borrow Not Exceeding One Hundred Sixty-Two Thousand Dollars; To Specify The Use Of The Money Borrowed; And To Provide For Its Repayment.

Whereas, the qualified electors of School District No. 52 in Greenwood County and the State generally heretofore approved an increase in the bond or debt limit of the district up to eighteen per cent of the assessed value of the taxable property in the district, which increase was confirmed by Act No. 5 of 1965, pursuant to which the district can now incur debt for district purposes to an amount, based on the assessed valuation of 1965, of one million eighty thousand dollars; and

Whereas, the district has, by referendum and legislative authorization, been heretofore authorized to issue bonds to the extent of nine hundred eighteen thousand dollars, leaving a balance of borrowing capacity, based on the 1965 assessed valuation, of one hundred sixty-two thousand dollars; and

Whereas, it is found that additional funds are needed to complete the building program of the district and that, due to the increased assessed valuation in the district, an additional sum of one hundred sixty-two thousand dollars in bonds or other indebtedness may be issued without raising the millage of the district. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. School District 52 of Greenwood County may issue notes or bonds.—The Board of Trustees of School District No. 52 of Greenwood County is empowered, for the purpose of the acquisition,

construction and equipping of school facilities in the district, under the current building program of the district, to borrow not exceeding the sum of one hundred sixty-two thousand dollars and give notes of the district therefor, or, in lieu thereof, issue general obligation bonds of the district not exceeding one hundred sixty-two thousand dollars, which power shall be in addition to all prior authorizations previously vested in the board by referendum or legislative act.

SECTION 2. Maturity.—All notes or bonds shall mature in such annual series or installments as the board shall provide, except that the first maturing notes or bonds shall mature within three years from the date of issue; not less than three per cent of the bonds shall mature in each year; and no note or bond shall mature later than twenty-five years from the date of issue.

SECTION 3. Redemption.—Any note or bond may be issued with a provision permitting its redemption prior to its stated maturity, at par and accrued interest, plus such redemption premium as may be prescribed by the board, if any, but no bond shall be redeemable prior to its stated maturity unless it contains a statement to that effect. In the proceedings authorizing the issuance of such bonds provision shall be made specifying the manner of call and the notice thereof that must be given as to bonds made redeemable prior to their stated maturities.

SECTION 4. Form.—The bonds shall be in the form of negotiable coupon bonds, payable to bearer, but may be issued with the privilege to any holder of having them registered as to principal on the books of the Treasurer of Greenwood County, upon such conditions as the board may prescribe. Except when so registered, all bonds issued pursuant to this act shall have all attributes of negotiable instruments under the law merchant and the negotiable instruments law.

SECTION 5. Where payable.—The notes or bonds shall be made payable at such places, within or without the State, as the board shall provide, and shall bear interest at rates determined by the board.

SECTION 6. Execution.—The notes or bonds and the coupons to be attached to the bonds shall be executed in such manner as the board shall by resolution prescribe, and shall be sold at private or public sale at a price of not less than par and accrued interest to the date of their respective deliveries.

SECTION 7. Payment.—For the payment of the principal and interest of all notes or bonds issued pursuant to this act, as they respec-

tively mature, and for the creation of such sinking fund as may be necessary therefor, the full faith, credit and taxing power of the school district shall be irrevocably pledged, and there shall be levied annually by the Auditor of Greenwood County, and collected by the Treasurer of Greenwood County, in the same manner as county taxes are levied and collected, on all taxable property in the school district a tax sufficient to pay the principal and interest of the notes or bonds as they respectively mature and to create such sinking fund as may be necessary therefor.

SECTION 8. Exempt from taxes.—The principal and interest of the notes or bonds issued pursuant to this act shall have the tax-exempt status prescribed by Section 65-4.1 of the 1962 Code.

SECTION 9. Proceeds.—The proceeds from the borrowing and issuing of any notes and the proceeds derived from the sale of any bonds shall be paid to the Treasurer of Greenwood County, to be deposited in a fund for the school district, and shall be expended and made use of as follows:

(a) Any accrued interest shall be applied to the payment of the first installment of interest to become due on such notes or bonds;

(b) Any premium shall be applied to the payment of the first installment of principal of such notes or bonds;

(c) The remaining proceeds shall be expended, upon the warrant or order of the board, for the following purposes:

(1) To defray the costs of issuing the notes or bonds;

(2) To provide for additional public school facilities for the school district in the manner contemplated by this act.

(d) If, after the final completion of the board's program, the board shall certify to the Treasurer of Greenwood County that any remaining balance in the account is no longer needed for its program, then such balance shall be held by the treasurer and used to effect the retirement of the notes or bonds then outstanding, which shall have been issued pursuant to this act.

SECTION 10. Powers—additional.—The powers and authorizations hereby conferred upon the board shall be in addition to all other powers and authorizations previously vested in the board and may be availed of pursuant to action taken at any regular or special meeting of the board.

SECTION 11. No other action necessary.—No action other than that prescribed in this act need be taken to effect the issuance of the

notes or bonds, nor shall the board be required to obtain the approval of any public agency to any action taken pursuant to the authorizations of this act.

SECTION 12. Division of General Services—may borrow from.—The trustees may borrow any portion of the funds provided for herein from the Division of General Services. Should there be a default in the payment of any installment, the State Treasurer is directed to withhold all State funds accruing to the district, which have not heretofore been pledged, for the payment of such installment, and shall transmit the funds so withheld to the Division of General Services.

SECTION 13. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 8th day of June, 1966.

(R1328, H2687)

No. 1299

An Act To Validate And Recreate Ware Shoals Water And Sewer District In Greenwood County; To Prescribe Its Functions And To Define Its Powers And Duties; To Authorize Its Governing Commission To Issue General Obligation Bonds Of Not Exceeding Six Hundred Thousand Dollars; To Prescribe The Use Of The Proceeds Of The Bonds And The Terms And Conditions Under Which They May Be Issued And To Make Provision For The Payment Thereof; And To Validate Actions Heretofore Performed By The District And Its Commission.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Findings of General Assembly.—The General Assembly finds that heretofore, acting pursuant to the provisions of Chapter 5, Title 59, Code of Laws of South Carolina, 1962, a water and sewer district in Greenwood County, known as Ware Shoals Water and Sewer District, was created. Questions have now arisen as to the validity of the provisions of Chapter 5 and particularly those imposing qualifications upon those permitted to vote in the election called to establish the district.

SECTION 2. Findings of General Assembly—further.—The General Assembly finds that a need for water and sewer service is re-

quired in the area of the district and that the function of providing water and sewer service should be performed by a special purpose district. It, therefore, proposes to validate the existence of the Ware Shoals Water and Sewer District and to further prescribe its powers.

SECTION 3. Ware Shoals Water and Sewer District recreated.

—In view of the need for a water and sewer district in that area of Greenwood County hereinafter described, the General Assembly recreates and establishes within Greenwood County a special purpose district to be known as Ware Shoals Water and Sewer District.

SECTION 4. Area.—The district shall be comprised of the following territory within Greenwood County:

An area in Walnut Grove Township, County of Greenwood, State of South Carolina, the boundary lines of which are described as follows: BEGINNING at an iron stake on the eastern bank of Turkey Creek; thence north $42^{\circ} 10'$ east for a distance of 2134 feet to a stake; thence north $58^{\circ} 20'$ east 199.75 feet to a stake; thence south $31^{\circ} 40'$ east a distance of 180.45 feet to a stake; thence north $72^{\circ} 30'$ east 191.4 feet to a stake; thence north $44^{\circ} 03'$ east 83.6 feet to a stake on the easterly side of Greenwood Avenue; thence north $54^{\circ} 15'$ east 469.60 feet to a stake; thence north $34^{\circ} 45'$ east 274.45 feet to a stake; thence north $45^{\circ} 48'$ east 1473 feet to a stake on the bank of Saluda River; thence following the bank of Saluda River a meandering course a distance of 6950 feet to a point near the western end of the dam across Saluda River; thence south $56^{\circ} 45'$ west 829 feet to the middle of Saluda Avenue; thence north $15^{\circ} 27'$ west 800 feet down the center of said Saluda Avenue; thence south $77^{\circ} 10'$ west 165 feet to a stake; thence south $25^{\circ} 30'$ west 460 feet to a stake; thence south $51^{\circ} 45'$ east 470.5 feet to a stake; thence south $38^{\circ} 15'$ west 290.2 feet to a stake; thence north $51^{\circ} 45'$ west 254.2 feet to a stake; thence south $38^{\circ} 15'$ west 153 feet to a stake; thence north $51^{\circ} 45'$ west 90.7 feet to a stake; thence south $42^{\circ} 41'$ west 136.2 feet to a stake on the northern side of North Greenwood Avenue; thence across North Greenwood Avenue south $30^{\circ} 0'$ west 984 feet to a stake on the bank of a branch; thence following the line of the said branch 850 feet to a stake on the bank of such branch; thence south $68^{\circ} 15'$ west 331 feet to a stake; thence north $74^{\circ} 45'$ west 627 feet to a stake; thence south $19^{\circ} 0'$ west 463 feet to a stake on the

bank of Turkey Creek; thence following the course of Turkey Creek a distance of 5800 feet to the point of beginning, all of which is more fully shown on a plat or map of said proposed district made by J. E. Sirrine & Company, Engineers, of Greenville, S. C., dated April 12, 1951, and being Drawing No. 5244-1. Not included within the above described water and sewer district, however, and expressly excluded therefrom is that portion of the within described property, irregular in shape, and which is bounded by Honea Path Street, Sparks Avenue, Mill Street, Greenwood Avenue, East Main Street and Mill Street, being the shaded portion shown on the above mentioned plat and entitled "INDUSTRIAL AREA", and which is presently occupied by the plant of Riegel Textile Corporation, including its Department Store, also Ware Shoals Community Foundation, Inc.

SECTION 5. Commission.—The functions of the district shall be performed by a commission consisting of three commissioners. The commissioners initially holding office under this act, and their terms, shall be as follows, any provision of law to the contrary notwithstanding:

- (a) L. C. Reynolds, for a term ending on December 31, 1966.
- (b) W. W. Golden, for a term ending on December 31, 1968.
- (c) T. L. McElwee, for a term ending on December 31, 1970.

The successors to the members initially holding office shall be elected in the general election next preceding the termination of the terms of the initial members, and every six years thereafter, for terms of six years and until their successors have been elected and qualify. The terms of the elected members shall commence on the first of January following their election.

Any vacancy occurring on the commission shall be filled for the unexpired portion of the term by appointment by the legislative delegation representing Greenwood County.

The members of the commission shall receive no compensation for their services.

SECTION 6. Powers and duties.—Without in any way limiting the generality of the functions of the commission, it shall be empowered as follows:

- (1) To have perpetual succession.
- (2) To sue and be sued.

- (3) To adopt, use and alter a corporate seal.
- (4) To define a quorum for meetings.
- (5) To maintain a principal office.
- (6) To make bylaws for the management and regulation of its affairs.
- (7) To build, construct, maintain, enlarge and improve sewer lines and facilities for the treatment and disposal of sewage and other wastes.
- (8) To build, construct, maintain, enlarge and improve systems for the acquisition and distribution of water for domestic or industrial use.
- (9) To acquire and operate any type of machinery, appliances or appurtenances, necessary or useful in constructing, operating and maintaining its systems.
- (10) To contract for or otherwise acquire a supply of water and sell water for industrial or domestic use.
- (11) To prescribe rates and regulations under which such water shall be sold for industrial and domestic use.
- (12) To enter into contracts of long duration for the sale of water with persons, private corporations, municipal corporations or public bodies or agencies.
- (13) To prescribe such regulations as it shall deem necessary to protect from pollution all water in its pipes, tanks, reservoirs, distribution systems or elsewhere within its system. *Provided*, that prior to the adoption of any regulation, the district shall hold a public meeting for the consideration thereof, and shall advertise in a newspaper of general circulation in the district the time and place of such meeting, and the general nature and scope of the regulation to be considered for adoption, and such notice shall be published on two occasions prior to such meeting, and at least ten days prior thereto.
- (14) To make contracts of all sorts and to execute all instruments necessary or convenient for the carrying on of the business of the district.
- (15) To acquire, purchase, hold, use, lease, mortgage, sell, transfer and dispose of any property, real, personal or mixed, or any interest therein.
- (16) To make use of county and state highway rights-of-way in which to lay pipes and lines in such manner and under such conditions as the appropriate officials in charge of such rights-of-way shall approve.

(17) Subject always to the limitations of Section 4, Article VIII, of the Constitution of this State, to make use of all the streets and public ways of an incorporated municipality for the purpose of laying pipes and lines.

(18) To alter and change county and state highways wherever necessary to construct the system under such conditions as the appropriate officials in charge of such highways shall approve.

(19) To exercise the power of eminent domain for any corporate function. The power of eminent domain may be exercised through any procedure prescribed by Sections 25-101 through 25-140 and 33-121 through 33-148, Code of Laws of South Carolina, 1962, as now or hereafter constituted, it being the intent of this provision that further amendments and modifications of these code provisions shall be deemed to amend and revise correspondingly the powers granted by this paragraph. The provisions of this item shall not apply to public utilities and railroads which have the power of eminent domain.

(20) To appoint officers, agents, employees and servants, to prescribe the duties of such, to fix their compensation and to determine if and to what extent they shall be bonded for the faithful performance of their duties.

(21) To make contracts for construction and other services; *provided*, that construction contracts shall be let on competitive bidding and shall be awarded to the lowest responsible bidder.

(22) To borrow money and to make and issue negotiable bonds, notes and other evidences of indebtedness, payable from all or any part of the revenues derived from the operation of its system. The sums borrowed may be those needed to pay all costs incident to the construction and establishment of the system, and any extensions, additions and improvements thereto, including engineering costs, legal costs, construction costs; the sum needed to pay interest during the period prior to which the system or any extension, addition or improvement thereof, shall be fully in operation; such sum as is needed to supply working capital to place the system in operation; and all other expenses of any sort that the district may incur in establishing, extending or enlarging the system. Neither the full faith and credit of the State of South Carolina, nor the county, shall be pledged for the payment of the principal and interest of the obligations issued pursuant to this paragraph. Neither the members of the board, nor any person signing the obligations, shall be personally liable thereon. To the end that a convenient procedure for borrowing money may be

prescribed, the district shall be fully empowered to avail itself of all powers granted by Sections 59-361 through 59-415 and 59-651 through 59-682, Code of Laws of South Carolina, 1962, as now or hereafter constituted, it being the intent of this provision that further amendments and modifications of the code provisions shall be deemed to amend and revise correspondingly the powers granted by this paragraph. In exercising the power conferred upon the district by such code provisions, the district may make or omit all pledges and covenants authorized by any provision thereof, and may confer upon the holders of its securities all rights and liens authorized by law. Notwithstanding contrary provisions in the Code, the district may:

(a) Disregard any provision requiring that bonds have serial maturities, and issue bonds in such form and with such maturities as the district shall determine.

(b) Provide that its bonds, notes or other evidence of indebtedness be payable, both as to principal and interest, from the net revenues derived from the operation of its system, as such net revenues may be defined by the district.

(c) Covenant and agree that upon it being adjudged in default as to the payment of any installment of principal or interest upon any obligation issued by it, or in default as to the performance of any covenant or undertaking made by it, in such event the principal of all obligations of such issue may be declared forthwith due and payable, notwithstanding that any of them may not have then matured.

(d) Confer upon a corporation trustee the power to make disposition of the proceeds from all borrowings and of all revenues derived from the operation of the system, in accordance with the resolution adopted by the authority as an incident to the issuance of any notes, bonds or other types of securities.

(e) Dispose of bonds, notes or other evidence of indebtedness at public or private sale, and upon such terms and conditions as it shall approve.

(f) Make provision for the redemption of any obligations issued by it prior to their stated maturity, with or without premium, and on such terms and conditions as the district shall approve.

(g) Covenant and agree that any cushion fund established to further secure the payment of the principal and interest of any obligation shall be in a fixed amount.

(h) Covenant and agree that no free service will be furnished to any person, municipal corporation or any subdivision or division of the State.

(i) Prescribe the procedure, if any, by which the terms of the contract with the holders of its obligations may be amended, the number of obligations whose holders must consent thereto, and the manner in which such consent shall be given.

(j) Prescribe the events of default and the terms and conditions upon which all or any obligations shall become or may be declared due before maturity and the terms and conditions upon which such declarations and their consequences may be waived.

(23) To extend its system or systems within the county, beyond the defined limits of the district to provide services to those living outside the district and outside any incorporated municipality when, in the discretion of the commission, it is feasible and practicable so to do, in which case any person or agency receiving such service shall be subject to the same rules, regulations and requirements concerning services being received from the district as persons residing within the district. The commission may, in its discretion, establish rates and charges higher than those within the district for the extension of its system and the provision of services beyond the limits of the district.

(24) To extend the limits of such district as hereinafter set forth:

(a) To effect any such extension, a petition shall first be submitted to the commissioners by a majority of the freeholders of the territory which it is proposed to annex, accompanied by adequate description thereof, praying that an election be ordered to see if such territory shall be included in the district.

(b) If the commission shall find that the petition filed pursuant to subparagraph (a) has been signed by a majority of the freeholders within the territory proposed to be annexed, and upon the written advice of engineers satisfactory to it that adequate service at reasonable cost may be rendered to the area proposed to be annexed, it shall certify that the petition has been properly filed to the county commissioners of elections of Greenwood County. Thereupon, the county commissioners of elections shall order an election to be held within the limits of the district and within the territory proposed to be annexed to the district, on the same date, on the question of extension of the limits of the district by annexation of the territory proposed to be annexed.

(c) In the event the commission's engineers advised the commission that adequate service at reasonable cost may not be rendered to the area proposed to be annexed, the commission shall not further process the petition.

(d) The conduct, publication, certification, contest, effectiveness and other like matters of the election shall be similar in all respects to the provisions governing the extension of municipal corporate limits as provided in Sections 47-16, et seq., of the 1962 Code, as amended from time to time.

(e) In the event a portion of the area proposed to be annexed is located in Abbeville County, the Abbeville County commissioners of elections shall conduct a separate election for the Abbeville area at the same time and on the same terms and conditions as for the Greenwood County area.

(f) The procedure of annexation herein provided shall be cumulative and in addition to the procedure provided by Act No. 1120 of 1962.

(25) To exercise all powers given to public service districts by any general law.

SECTION 7. Rates.—The rates charged for services furnished by the district, as constructed, improved, enlarged and extended, shall not be subject to supervision or regulation by any state bureau, board, commission, or like instrumentality or agency thereof.

SECTION 8. Exemption from taxes.—All property of the district shall be exempt from all ad valorem taxes levied by the State, county or any municipality, division, subdivision or agency thereof, direct or indirect.

SECTION 9. Fiscal year—audit.—The district shall conduct its affairs on the fiscal year basis employed by the State. As shortly after the close of its fiscal year as may be practicable, an audit of its affairs shall be made by certified public accountants of good standing, to be designated by the district. Copies of such audits incorporated into an annual report of the district shall be filed with the auditor and treasurer of the county, and with the clerk of the finance board of the county.

SECTION 10. May issue bonds.—In order to provide funds for the construction of improvements to existing water lines and for sewage disposal and treatment facilities, the commission is authorized and empowered to issue not exceeding six hundred thousand dollars of general obligation bonds of the district.

If it is proposed that the bond issue be supported and paid by a tax levy, rather than by revenues of the district, then as a condition precedent to the issuance of the bonds, the bond issue as proposed

must be approved by a majority vote in favor thereof in a referendum conducted by the county commissioners of elections among the electors of the district, which referendum shall be conducted in the usual manner after due legal advertisement thereof and in which the question submitted shall be substantially in the following form:

“Shall the Ware Shoals Water and Sewer District issue general obligation bonds in the sum of dollars, whose proceeds shall be used for and the repayment of which will require the levy of an ad valorem tax upon all taxable property in the district of approximately mills for a period of approximately years?”

SECTION 11. Issue.—Bonds issued pursuant to this act may be issued as a single issue or from time to time as several separate issues.

SECTION 12. Maturity.—Bonds issued pursuant to this act shall mature in such annual series or installments as the commission shall provide, except that the first maturing bonds shall mature not later than three years from the date of issue; not less than three per cent of the bonds shall mature in each year; and no bond shall mature later than thirty years from the date of issue.

SECTION 13. Redemption.—Any bond issued pursuant to this act may be issued with a provision permitting its redemption prior to its stated maturity, at par and accrued interest, plus such redemption premium as may be prescribed by the commission, but no bond shall be redeemable prior to its stated maturity unless it contains a statement to that effect. In the proceedings authorizing the issuance of such bonds, provision shall be made specifying the manner of call and the notice thereof that must be given as to bonds made redeemable prior to their stated maturities.

SECTION 14. Form.—Bonds issued pursuant to this act shall be in the form of negotiable coupon bonds, payable to bearer, but may be issued with the privilege to any holder of having them registered as to principal on the books of the Treasurer of Greenwood County, upon such conditions as the commission may prescribe. Except when so registered, all bonds issued pursuant to this act shall have all attributes of negotiable instruments under the law merchant and the negotiable instruments law.

SECTION 15. Where payable.—Bonds issued pursuant to this act shall be made payable at such place or places, within or without the State, as the commission shall provide.

SECTION 16. Interest.—Bonds issued pursuant to this act shall bear interest at the rate or rates approved by the commission.

SECTION 17. Denomination.—The bonds and the coupons to be thereunto attached shall be in such denomination and shall be executed in such manner as the commission shall by resolution prescribe.

SECTION 18. Sale.—Bonds issued pursuant to this act shall be sold at a price of not less than par and accrued interest to the date of their respective deliveries. They shall be sold after public advertisement of their sale in a newspaper of general circulation in South Carolina. Such published notice shall appear not less than ten days prior to the occasion set for opening bids.

SECTION 19. Payment.—For the payment of the principal and interest of all bonds issued pursuant to this act, as they respectively mature, and for the creation of such sinking fund as may be necessary therefor, the full faith, credit and taxing power of the district shall be irrevocably pledged, and there shall be levied annually by the Auditor of Greenwood County, and collected by the Treasurer of Greenwood County, on all taxable property within the district, a tax sufficient to pay the principal and interest of the bonds as they respectively mature and to create such sinking fund as may be necessary therefor.

SECTION 20. Exempt from taxes.—The principal and interest of bonds issued pursuant to this act shall have the tax-exempt status prescribed by Section 65-4.1, Code of Laws of South Carolina, 1962.

SECTION 21. Proceeds.—The proceeds derived from the sale of any bonds issued pursuant to this act shall be paid to the Treasurer of Greenwood County and shall be expended as follows:

(a) Any accrued interest received shall be applied by the county treasurer to the payment of the first installment of interest to become due on such bonds.

(b) Any premium shall be applied by the county treasurer to the payment of the first installment of principal of such bonds.

(c) The remaining proceeds shall be expended upon the warrant of the commission for the following purposes:

(i) To defray the cost of issuing the bonds authorized by this act; and

(ii) To construct water and sewer facilities.

(d) If, after the final completion of the commission's program, the commission shall certify to the Treasurer of Greenwood County

that any remaining balance in the bond account is no longer needed for its program, then such balance shall be held by or delivered to the county treasurer and used to effect the retirement of bonds then outstanding, which shall have been issued pursuant to this act.

(e) Pending any use of funds, it shall be lawful for the commission to cause the principal proceeds resulting from any sale of bonds to be invested in obligations of the United States, or any agency thereof, having a maturity of not more than two years from the date when such investments shall be made. In order to effect such investment, the commission shall be empowered to withdraw from the treasurer the entire principal proceeds of any bonds that may be issued and to cause the same to be deposited with any corporate trustee who shall hold the same as trust funds to be invested in the manner that the commission shall direct within the limitations imposed by this paragraph.

Any income resulting from such investment shall be returned to the Treasurer of Greenwood County and used by him to meet the debt service of any bonds so issued.

SECTION 22. No other action necessary.—No election is prescribed as a condition precedent to the issuance of bonds pursuant to this act, and no action other than that prescribed herein need be taken to effect the issuance of the bonds herein authorized, nor shall the commission be required to obtain the approval of any public agency to any action taken pursuant to the authorizations of this act.

SECTION 23. Acts of Ware Shoals Water and Sewer District ratified—properties.—All actions, contracts and undertakings heretofore taken by Ware Shoals Water and Sewer District are hereby ratified, validated and approved, and all properties of the district as heretofore constituted shall vest in the district hereby recreated.

SECTION 24. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 1st day of June, 1966.

(R1337, H2679)

No. 1300

An Act To Amend Act 441 Of 1959, As Amended, Relating To The Greenwood Metropolitan Sewer District In Greenwood County, So As To Make Further Provision For The Collection Of Sewer Service Charges; And To Amend Sections 16 And 17 Of Act 441 Of The Acts Of 1959, Relating To The Bonds And Appointment Of Committee For Subdivision Organization Of The Sewer System, So As To Provide Further Therefor.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 7B of Act 441 of 1959 amended—collection of service charge.—Section 7B of Act 441 of 1959, as created by Section 2 of Act 571 of 1961, is amended on line twelve between the words “sewer” and “charges” by inserting “service” and on line fifteen by striking the period after the word “commission” and inserting “or its agent who may use all powers of the commission in collecting and enforcing collection.” The section when amended shall read as follows:

“Section 7B. The commission may promulgate and impose sewer service charges for the use of the facilities of the district in such amounts as they deem proper. The charges or rates may be established and altered from time to time by giving notice of thirty days in a newspaper published in Greenwood County. Such service charges promulgated and imposed as herein provided shall be the joint liability of both the tenant and the owner of the property connected to lines that discharge ultimately into the district’s system, during and for five years after the period for which the service charge is applicable. The primary liability shall be that of the tenant, if any, with the owner of the property served being secondarily liable for such payment. There is hereby created a lien for such sewer service charges upon such property, which lien shall be on a parity of lien with State, county, school and district taxes. The service charge shall be collected by the commission or its agent who may use all powers of the commission in collecting and enforcing collection. Delinquent service charges shall bear penalties of twenty-five percent per month for periods in arrears, and all service shall be due and payable in advance. Reasonable deposits to insure payment may be required by the commission, and upon delinquency, the commission may enter upon any property and take such steps as are reasonably required to discontinue such service. The service charge imposed hereunder

may be collected in the event it becomes delinquent in the same manner and by the same procedure, including execution and sale thereunder, and with the addition of the same costs as provided by law in the case of State, county and school taxes.

The commission shall maintain record books at a designated location available to the public showing delinquent sewer service charges constituting liens hereunder. Such charges shall be indexed in the name of the tenant and the respective property owner, designating the location of the property served."

SECTION 2. Section 24 of Act 441 of 1959 amended—power to contract with Commissioners of Public Works.—Section 24 of Act 441 of 1959 is amended by adding the following paragraph at the end thereof:

"The authority herein granted shall include the power to contract with commissioners of public works to collect and enforce collection of sewer service charges as an agent of the Metropolitan Commission." The section when amended shall read as follows:

"Section 24. The commission and the commissioners of public works of the City of Greenwood are authorized and empowered to arrange, by equitable contract, for making available to the commission the engineering and clerical services of its engineering department and office force, upon a basis whereby such services will be available to the commission upon its paying an agreed proportion of the salaries which the engineering forces are paid. The making of similar arrangements for office quarters between the commissioners of public works of the City of Greenwood and the commission is likewise authorized.

The authority herein granted shall include the power to contract with commissioners of public works to collect and enforce collection of sewer service charges as an agent of the Metropolitan Commission."

SECTION 3. Section 26 of Act 441 of 1959 amended—construction of sewers by individuals or private corporations.—Section 26 of Act 441 of 1959 is amended on line eleven by changing the semicolon to a period and striking the rest of the section. The section when amended shall read as follows:

"Section 26. Where it is desired by individual or private corporations to provide sewers for any development or proposed development within the district, they may, after submitting preliminary

plans to the commission, and receiving its approval, at their own cost, under the supervision of the engineering department of the commission, and in accordance with its directions, construct such sewers and connect the same with the main system of sewers. *Provided*, that the commission's jurisdiction to make and enforce rules and regulations, and to supervise and control extensions and enlargements and maintenance and operation, shall extend to such sewers with the same force as to any other sewers provided for in this act."

SECTION 4. Section 16 of Act 441 of 1959 amended—maturity of bonds—further provide for.—Section 16 of Act 441 of 1959 is amended by striking the second sentence of the second paragraph thereof in its entirety and inserting the following, so as to further provide for the maturity date of the bonds: "Their maturity date shall not extend beyond a date thirty years from the date of issuance of such bonds or certificates of indebtedness, and the bonds or certificates of indebtedness shall constitute a lien upon the property of the subdistrict." When so amended, the section shall read as follows:

"Section 16. Communities in the district which have no existing lateral lines or sewer system, but which may now or hereafter desire to have constructed and installed such lines or systems, may become incorporated as a subdistrict and issue bonds or certificates of indebtedness for an amount necessary to install and construct such lateral lines or systems and necessary water lines in the following manner:

A petition signed by one-third of the freeholders in such proposed subdistrict shall be filed with the commission, praying that it order an election in the subdistrict for the purpose of (a) incorporating the subdistrict; (b) allowing the subdistrict to issue bonds or certificates of indebtedness for an amount necessary to install the desired laterals and necessary water lines and connect the same with the main trunk line, and (c) to provide for the levy of a tax in the proposed subdistrict sufficient to pay the interest on the bonds or certificates of indebtedness to be issued, and create a sinking fund for their payment at maturity. Their maturity date shall not extend beyond a date thirty years from the date of issuance of such bonds or certificates of indebtedness, and the bonds or certificates of indebtedness shall constitute a lien upon the property of the subdistrict. Upon receipt of the petition, the commission shall carefully consider the boundaries, topography, and other features bearing upon the practicability, economy and desirability of creating the proposed subdistrict, and

estimate the cost of constructing the proposed system. If, in the opinion of the commission, the creating of the proposed subdistrict is advisable, the commission shall order an election in the proposed subdistrict upon the questions stated in the petition, and shall specify an amount sufficient, according to their estimate of costs, in excess of which no bonds shall be issued. It shall appoint from the residents of the proposed subdistrict managers for the election, fix the time and place for the holding of same, provide a box and ballots therefor, and shall give notice of the time and place of holding such an election by publication thereof in a newspaper published in the district once a week for at least three successive weeks prior to the date for holding the election. Only qualified electors presenting proof of their qualifications and of the payment of taxes then due and payable shall be permitted to vote at the election, the costs and expenses of which shall be paid by the subdistrict in which it is held. The managers shall count the ballots and make their return to the commission, delivering to it the original ballots and tally sheets, and the commission shall, within two days after the managers have made their returns, meet and, by resolution, declare the result of the election. Should the result of the election be in favor of the proposed creation of the subdistrict and of the issuance of bonds and the levy of the tax, the commission shall thereupon certify that the proposed subdistrict has been created and has become a body politic under the name of "Greenwood Metropolitan Subdistrict," using the letters of the alphabet for the official designation, assigning to each subdistrict as it may be so created the letter alphabetically following the one assigned to the next preceding subdistrict, and such subdistrict shall thereupon be and become a body politic and corporate and have the powers and privileges, and be subject to the rules and regulations herein imposed."

SECTION 5. Section 17 of Act 441 of 1959 amended—members of committee for subdistrict.—Section 17 of Act 441 of 1959 is amended by striking the first sentence thereof and inserting in lieu thereof the following, so as to further provide for members of the committee: "The commission shall transmit a copy of its certificate of the creation of such subdivision to the Governor who shall, upon the recommendation of the Greenwood County Legislative Delegation, appoint three citizens resident in the subdistrict to a committee to be known as 'The Committee for Greenwood Metropolitan Subdistrict'. All appointments heretofore made to

committees for Greenwood Metropolitan Subdistricts B, C, D and E are hereby ratified and confirmed." When so amended, the section shall read as follows:

"Section 17. The commission shall transmit a copy of its certificate of the creation of such subdivision to the Governor who shall, upon the recommendation of the Greenwood County Legislative Delegation, appoint three citizens resident in the subdistrict to a committee to be known as "The Committee for Greenwood Metropolitan Subdistrict". All appointments heretofore made to committees for Greenwood Metropolitan Subdistricts B, C, D and E are hereby ratified and confirmed. The committee shall meet immediately after appointment and organize by naming one of their number as chairman, and another as secretary, which committee shall have power to negotiate and execute all lawful contracts necessary for the construction and installation of the proposed laterals or subdistrict sewer systems, subject, however, to the previous approval of the Greenwood Metropolitan Commission, and to execute all bonds or certificates of indebtedness issued by the subdistrict under the provisions of this act."

SECTION 6. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 1st day of June, 1966.

(R1349, H2604)

No. 1301

A Joint Resolution Proposing An Amendment To The Provision Of Section 7 Of Article VIII Of The Constitution Of This State Relating To Municipal Bonded Indebtedness In The City Of Greenwood, So As To Permit The City Of Greenwood To Incur A Bonded Indebtedness Up To Twelve Per Cent Of The Assessed Value Of The Taxable Property Therein.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Amendment to Article VIII, Section 7, State Constitution, proposed—bonded indebtedness—City of Greenwood.—It is proposed that the provision of Section 7 of Article VIII of the Constitution of this State relating to the City of Greenwood (commonly referred to as Item 47) be amended by adding the

following proviso at the end thereof: "*Provided*, that the bonded debt limitation for the City of Greenwood shall not exceed twelve per cent for general municipal purposes." The item when amended shall read as follows:

"(47) *Provided*, That the limitations imposed by this Section and Section 5, Article X of the Constitution, shall not apply to the City of Greenwood when the proceeds of bonds are applied solely and exclusively for the purchase, establishment and maintenance of a water-works plant or sewer system or lighting plant, and, in addition to bonds issued for those purposes, the City of Greenwood may issue assessed bonds to an amount not exceeding twenty per cent (20%) of the value of the taxable property therein where the bonded indebtedness is incurred for the cost of improving traffic conditions in said city by the relocation of all or part of the railroad tracks in said city, the said city being specifically authorized to provide new rights-of-way for the railroads whose tracks may be relocated, such new rights-of-way to be located both in the City of Greenwood and near the City of Greenwood, as well as for all costs or damages incident thereto and also for the cost of acquiring for street, parking, parkway, or traffic purposes the present rights-of-way of the said railroads whose tracks are relocated and also for any costs or expenses connected with or a part of the relocation of tracks, elimination of grade crossings and acquiring for street, parking, parkway or traffic purposes any property or rights-of-way now owned by railroads whose tracks are relocated as well as any reversionary interest therein when the question of increasing such bonded indebtedness is submitted to the qualified electors of said city at an election or elections to be called by the city council of said City, and a majority of those voting thereon shall vote in favor thereof. *Provided*, that the bonded debt limitation for the City of Greenwood shall not exceed twelve per cent for general municipal purposes."

SECTION 2. Submission to electors.—The proposed amendment shall be submitted to the qualified electors at the next general election for representatives. Ballots shall be provided at the various voting precincts with the following words printed thereon: "Shall the provision of Section 7 of Article VIII of the Constitution of this State relating to the City of Greenwood be amended so as to increase the bonded indebtedness up to twelve per cent for general municipal purposes?"

In favor of the amendment ☐

Opposed to the amendment ☐

Those voting in favor of the amendment shall deposit a ballot with a check or cross mark in the square after the words "In favor of the amendment", and those voting against the amendment shall deposit a ballot with a check or cross mark in the square after the words "Opposed to the amendment".

Ratified the 20th day of May, 1966.

(R1350, H2667)

No. 1302

An Act To Amend An Act Of 1966 Bearing Ratification No. 847, Relating To The Sale Of Certain Property in Greenwood County Controlled By The Greenwood County Electric Power Commission, So As To Further Provide For The Use Of The Income From the Sale Of Such Property.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Item 1 of Section 4 of Act 1293 of 1966 amended—
income from sale of property controlled by Greenwood County
Electric Power Commission.—Item 1 of Section 4 of an Act of 1966 bearing Ratification No. 847 is amended by striking the last sentence thereof and adding the following: "The income derived from the investment of the principal and the income from the lease of the hydro-electric facilities owned by the county shall annually be used and applied by the Governing Body of Greenwood County in the following manner, with the priority of use indicated: first, for general county purposes, by application to the annual county operating budget; second, for the payment of principal and interest of general county bond indebtedness; third, for application upon other county-wide millage, by allocating to institutions which would receive the income from such county-wide millage sums equivalent to the millage income which the institution would receive for that tax year; and fourth, any excess remaining of such combined income shall be distributed among the three school districts of the county on the basis of a formula to be arrived at after consultation with the three districts which assures a fair and proportionate distribution, for use in the discretion of each district." When so amended, Item 1 shall read :

"1. Duke Power Company shall pay to Greenwood County the sum of twelve million nine hundred eighteen thousand one hundred

seventy-six dollars. The purchase price shall be adjusted to the date of closing to reflect additions to and retirements of plant, as well as changes in other asset and liability values from December 31, 1964, for the Greenwood County Electric Power System and June 30, 1964, for the Greenwood County Rural Electric System. Final asset and liability values at the closing date shall be certified by independent certified public accountants selected by the Finance Board. The proceeds of this sale shall be invested by the Finance Board for a period of twenty-five years, during which time the principal shall not be used for any purpose. In no event shall any portion of the principal be expended without first submitting the proposed expenditure by referendum to the qualified electors of Greenwood County and securing a majority vote in such referendum favorable to the expenditure. The income derived from the investment of the principal and the income from the lease of the hydroelectric facilities owned by the county shall annually be used and applied by the Governing Board of Greenwood County in the following manner, with the priority of use indicated: first, for general county purposes, by application to the annual county operating budget; second, for the payment of principal and interest of general county bond indebtedness; third, for application upon other county-wide millage, by allocating to institutions which would receive the income from such county-wide millage sums equivalent to the millage income which the institution would receive for that tax year; and fourth, any excess remaining of such combined income shall be distributed among the three school districts of the county on the basis of a formula to be arrived at after consultation with the three districts which assures a fair and proportionate distribution, for use in the discretion of each district."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 27th day of June, 1966.

An Act Authorizing The Greenwood Metropolitan Commission To Sell Bonds To Extend Sewer Trunk Lines In Certain Areas Of The Greenwood Metropolitan District; To Authorize The

Bond Proceeds To Be Used For The Purchase Of Equipment And Facilities To Maintain The System; To Authorize The Greenwood Metropolitan Commission To Conduct Studies To Determine The Feasibility Of Expansion Outside The District And To Provide For Payment Of The Cost Thereof; And To Repeal Act 634 Of 1965, Relating To The Sale Of Bonds By The Greenwood Metropolitan Commission To Extend Sewer Trunk Lines.

Whereas, in order for the Greenwood Metropolitan Commission to accomplish the purpose for its creation of establishing and operating a coordinated and unified system of sewage disposal in the Greenwood Metropolitan District, it will be necessary for the commission to extend sewer trunk lines into and through additional watershed areas of the district; and

Whereas, it will be necessary to borrow funds for the purpose of extending the trunk line system of the commission and to acquire equipment and facilities to operate and maintain the system and service; and

Whereas, the financial system of the commission and the income received from an intended sewer service charge should be adequate to provide for the current operation of the system; and

Whereas, the income received from the tax levy of six mills established for the payment of the initial bonds of the commission in 1959 indicates that such will not be sufficient to repay the necessary additional bonds also, but that the application of the present three mill tax levy for operations to the bond interest and principal payments, along with such present six mill levy, for a total of nine mills, equalling the present tax levy for the commission will be adequate without the requirement of any aggregate tax levy increase for commission purposes. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Greenwood Metropolitan Commission may issue bonds.—The Greenwood Metropolitan Commission is authorized to issue and sell bonds of the Greenwood Metropolitan District in such amounts as it may determine necessary and feasible for the purpose of constructing sewer trunk lines as an extension and enlargement of the existing trunk line disposal system of the commission, and to provide equipment and facilities incident to the maintenance and operation of such project. The bonds shall be of the denomination of one thousand dollars or the multiple thereof, and

shall bear interest not to exceed five per cent per annum, payable annually or semiannually, as the commission shall determine. They shall mature all at one time, or in series or installments, as the commission shall determine, but all shall mature within forty years from date. They shall be exempt from all State, county and municipal taxes. The bonds shall be signed by the chairman of the commission and attested by its secretary and the official seal of the district shall be affixed. The interest coupons need not be authenticated other than by the facsimile signature of the officials lithographed or engraved thereon. The bonds shall be issued and sold from time to time, and in such amounts as the commissioners shall determine, the sales to be made to the highest bidders for cash, after advertisement, as the commission shall deem proper. No bonds shall be sold at less than par and accrued interest to date of delivery. The commission shall have the right to reject any and all bids.

SECTION 2. Tax to be levied.—Until the principal and interest of all bonds issued by the commission shall be fully paid, there shall be levied annually on all taxable property in Greenwood Metropolitan District a tax sufficient to pay such interest as it becomes due and to provide a sinking fund sufficient to pay the principal at the date or dates of its maturity.

SECTION 3. Proceeds.—The proceeds of the sale of the bonds shall be kept by the county treasurer as a separate fund and shall be paid out only upon orders or warrants of the Greenwood Metropolitan Commission for the purposes specified in this act.

SECTION 4. Studies.—The Greenwood Metropolitan Commission is hereby authorized to conduct studies to determine the necessity and feasibility of expansion of the sewer facilities outside of the area of the district, and is further authorized to expend the funds necessary to defray the cost of such studies.

SECTION 5. Act 634 of 1965 repealed.—Act 634 of 1965 is repealed.

SECTION 6. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 13th day of June, 1966.

(R1424, H2749)

No. 1304

An Act To Provide For The Levy Of Taxes For Greenwood County For The Fiscal Year 1966-1967, And For The Expenditure Thereof; To Provide For Emergency Financing Of The County And Its School Districts; To Provide For The Sending Out Of Tax Notices, Fixing School District Levies And For A General School Levy, And For The Expenditure Thereof; To Validate Prior Actions Or Disbursements; To Authorize The Publication Of Financial Statements; And To Provide Penalties For The Violation Thereof.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. A tax of sufficient mills to pay the appropriations for Greenwood County hereinafter made for the fiscal year beginning July 1, 1966, and ending June 30, 1967, after crediting against the appropriation all other revenue anticipated to accrue to the county during the fiscal year, not earmarked for specific purposes, is hereby levied upon all the taxable property of Greenwood County. The amount of millage shall be determined by the County Auditor in consultation with the Legislative Delegation and the Finance Board of Greenwood County.

SECTION 2. There is hereby appropriated for Greenwood County for the fiscal year beginning July 1, 1966, and ending June 30, 1967, the following sums of money in the amounts and for the purposes herein set forth as follows:

Item 1. Road Maintenance Supervision:

A-1. Groceries	\$ 14,000.00
A-2. Salaries and Labor	54,000.00
A-3. Fuel oil and grease	16,000.00
A-4. Bridge material	12,000.00
A-5. Road material and maintenance	26,000.00
A-6. Clothing and camp service	10,500.00
A-7. Medical service and medicine, insurance on county equipment and miscellaneous items	4,000.00
A-8. Parts and repairs	18,000.00
A-9. Supervisor's salary	7,700.00
A-10. Clerk of Finance Board, salary	7,700.00
<i>Provided</i> , the Supervisor and the Clerk of the Finance Board shall receive an additional \$900-	

.00 per year for their services on the Finance Board. The Finance Board shall hold at least one public meeting each month and as many additional meetings as is deemed necessary.	1,800.00
A-11. Secretary to Supervisor and Finance Board . . .	4,500.00
A-12. County Physician Serving chain gang, jail and cases approved by the Department of Public Welfare anywhere in Greenwood County; <i>provided</i> , the County Physician shall be selected by a majority vote of the Finance Board.	600.00
A-13. County Engineer, base salary	6,300.00
Assistant to County Engineer	3,770.00
Total, Item 1	<hr/> \$186,870.00
Item 2. Law Enforcement:	
B-1. Sheriff, salary	\$ 7,700.00
Nine Deputy Sheriffs @ \$5,300.00 each	47,700.00
Three Deputy Sheriffs @ \$5,000.00 each	15,000.00
Secretary to Sheriff	3,650.00
<i>Provided</i> , \$5.00 shall be charged for any criminal warrant which shall be withdrawn by a party after its issuance. The sheriff shall collect this fee and remit the same to the Greenwood County Treasurer.	
B-2. Transportation of prisoners	200.00
B-3. Constables:	
All constables provided for herein shall have jurisdiction throughout the County of Greenwood, any provision of law to the contrary notwithstanding, and all constables shall be subject solely to the direction and supervision of the sheriff of the county. Any vacancies occurring among the constables shall be filled by the sole appointment of the sheriff.	
(a) At Ninety Six Cotton Mill	5,300.00
<i>Provided</i> , the Ninety Six Cotton Mill shall reimburse Greenwood County for \$2,650.00.	
(b) His auto upkeep and traveling expenses	300.00
<i>Provided</i> , that Ninety Six Cotton Mill shall match this travel with the same amount.	

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| (c) | Matthews Mill (1) | 5,300.00 |
| | <i>Provided</i> , that Matthews Mill shall reimburse Greenwood County in the sum of \$2,650.00. | |
| (d) | His auto upkeep and traveling expenses | 200.00 |
| | <i>Provided</i> , that Matthews Mill shall match this travel with the same amount. | |
| (e) | At Ware Shoals, county's one-half part of four constables at \$2,650.00 | 10,600.00 |
| (f) | Supplement to Chief of Police at Ware Shoals, county's one-half share | 150.00 |
| (g) | Auto upkeep and traveling expenses for Chief of Police and Deputies at Ware Shoals | 750.00 |
| | <i>Provided</i> , that Ware Shoals shall match this travel with the same amount. | |
| (h) | Harris Mill | 5,300.00 |
| | <i>Provided</i> , Harris Mill shall reimburse Greenwood County in the sum of \$2,650.00. | |
| (i) | Auto upkeep and travel expenses, Harris Mill Deputy | 200.00 |
| | <i>Provided</i> , Harris Mill shall match this travel with the same amount. | |
| | <i>Provided</i> , that the appropriations for auto expenses and traveling expenses provided for in Items (b), (d), (g) and (i) shall be paid to the respective mill companies and shall be disbursed by them. | |
| (j) | Ware Shoals West End—Law Enforcement, two deputies, salary to be fixed by association . . | 5,300.00 |
| | This fund is intended to match the funds provided by West End Merchants Association for law enforcement in that community. Payment from the fund shall be made only on written orders of the Secretary of the Association, to which must be attached a sworn statement of the secretary, showing the purpose of the proposed expenditure, that it has been authorized by a majority of the Association and that the Association has already expended a like amount for the same purpose. | |
| B-4. | Jail expenses, including dieting of prisoners at \$1.25 per day | 10,000.00 |

- B-5. National Guard Units 2,900.00
Provided, that this amount shall be divided among the three units and two armories located in Greenwood County on the basis of \$700.00 to each armory and \$500.00 to each unit.
- B-6. One-half of fingerprint and picture record of all prisoners (other half by City) 360.00
- B-7. Miscellaneous expense fund, Sheriff's office, for equipment, secret service work, photographs, and other miscellaneous expense. *Provided*, a portion of this fund, not to exceed \$100.00 at any one time, may be retained by the sheriff as a petty cash fund, expenditures from which shall be validated by vouchers 1,500.00
- B-8. Officers' uniforms 4,125.00
Provided, that this appropriation shall be disbursed as follows:
 12 deputy sheriffs in sheriff's office, \$250.00 each; all other constables and deputies (9), as the county's half part, \$125.00 each; *provided*, that the same be matched as to each constable as hereinbefore provided for travel and auto expense.
- B-9. Insurance on Officers' cars 3,400.00
- B-10. Clerk of Court 1,300.00
 The office of clerk of court is a fee office supplemented by the amount above, and the clerk is required to pay from his fees, including this supplement, the salaries of his employees and office expenses, and it is hereby declared that such has always been the case; *provided*, however, that should the clerk's income be less than \$7,700.00 after payment of salary of clerk and other temporary or emergency assistance paid on a proportionate basis to the salaries of other county clerical employees and after payment of office expenses, the county shall pay the difference upon showing made by affidavit of income and expenses.

B-11. Attorney	1,200.00
<i>Provided</i> , the attorney shall be selected by a majority vote of the Finance Board.	
B-12. Coroner:	
Salary	1,385.00
Travel	300.00
B-13. Post mortems, inquests and mental commitments	2,000.00
<i>Provided</i> , the secretary taking and transcribing inquest testimony shall be paid \$10.00 per inquest.	
B-14. Inquest jurors, at \$4.00 each per inquest	600.00
B-15. Magistrates:	
Greenwood	6,800.00
<i>Provided</i> , the Greenwood Magistrate shall maintain regular office hours.	
<i>Provided</i> , further, that the Greenwood magistrate shall conduct all jury trials in magistrates' court arising in Greenwood County except those arising out of offenses committed in Ninety-Six Township and Walnut Grove Township.	
Ware Shoals	2,650.00
Ninety Six	1,560.00
Hodges and Cokesbury	1,270.00
Troy	240.00
Oak Grove	240.00
Callison, Phoenix and Kirksey	240.00
<i>Provided</i> , the salaries designated shall be the full compensation of the magistrates and all fees for civil and criminal procedures shall be remitted by the magistrates to the county treasurer and credited to the general fund of the county.	
Clerk of Greenwood Magistrate	3,850.00
B-16. Jurors and witnesses in Circuit Court and County, Civil and Domestic Relations Court	12,000.00
<i>Provided</i> , that grand jurors receive \$10.00 per day each, and petit jurors and bailiffs receive \$10.00 per day each and ten cents per mile one way for term.	

B-17. Jurors serving in Magistrates' Courts	800.00
<i>Provided</i> , that Jurors serving Magistrates' Courts shall receive four dollars per day.	
B-18. Judge of Probate	7,000.00
<i>Provided</i> , the salary hereby appropriated shall be in lieu of all fees received by the judge of probate for the services and processes of his office, and all such fees shall be remitted by the judge of probate to the county treasurer and credited to the general fund of the county; <i>provided</i> , however, that this shall not affect the statutory rebates of inheritance tax provided under Section 27-303, Code of Laws of South Carolina, 1962, which section provides that the probate judge shall receive such rebates in addition to his other fees and salaries; <i>provided</i> , further, this clause shall have no effect upon services rendered as master in equity, which is a separate capacity and the fees for which services are designated by general state law.	
B-19. Clerk for Judge of Probate and Master	3,750.00
B-20. Clerical assistance, Probation Officer, Greenwood County's share	600.00
B-21. Coordinator between the solicitor and the police officers of the Eighth Judicial Circuit—Greenwood County's contribution	1,800.00
<i>Provided</i> , the solicitor shall formally designate the person to serve as coordinator and to receive payment hereof prior to payment of this item.	
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Total, Item 2	\$179,520.00
Item 3. Farm Aid:	
C-1. County Agent—salary supplement	\$ 600.00
C-2. Associate Home Agent—salary and travel	840.00
C-3. Supplies:	
Home Demonstration Agents	125.00
Associate Agricultural Agent	50.00
Home Demonstration work for Girls	200.00
Boys' 4-H Club Work	200.00
C-4. Clerical assistance—Associate Agent	1,080.00

C-5. Vocational Agriculture Teacher—travel	240.00
C-6. Fire Control:	
Salary supplements:	
To County Ranger	1,200.00
To Wardens, \$630.00 each	1,260.00
Truck expense, Wardens, \$300.00 each	600.00
C-7. Breeders' Association	600.00
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Total, Item 3	\$ 6,995.00
Item 4. Collection of Taxes:	
D-1. Treasurer, salary	\$ 3,123.00
This amount in addition to the amount provided by the State provides a total salary for the Treasurer of \$7,700.00.	
Travel expense for Treasurer	300.00
<i>Provided</i> , the Treasurer shall receive an additional \$900.00 per year for his services as a member of the Finance Board.	900.00
Chief Clerk for Treasurer	4,500.00
D-2. Auditor, Salary	3,123.00
This amount in addition to the amount provided by the State provides a total salary for the Auditor of \$7,700.00.	
Chief Clerk for Auditor	4,200.00
D-3. Tax Collector	7,700.00
Chief Clerk to Tax Collector	4,000.00
Assistant Clerk	3,650.00
D-4. Board of Assessors and Tax Appeals	3,500.00
Travel and miscellaneous expense	265.00
D-5. Tax Assessor and Mapping Office:	
Assessor	6,800.00
Chief Assistant	5,250.00
Two Assistants @ \$350.00 per month, on six-months' basis	4,200.00
Utility Man @ \$300.00 per month for six months, and Chain Men, as needed, at \$1.00 per hour	2,500.00
One clerk @ \$3,650.00	3,650.00
One clerk @ \$300.00 per month for a maximum of six months	1,800.00

D-6. Engineering and Miscellaneous	500.00
Total, Item 4	\$ 59,961.00
Item 5. Health Service:	
E-1. County Health Department	\$ 55,141.60
E-2. Charity Patients at Self Memorial Hospital or other institutions as approved by the Depart- ment of Public Welfare	20,000.00
E-3. Brewer Hospital, for charity patients, to be dis- bursed in twelve equal monthly payments	50,040.00
E-4. Mental Health Clinic, for the participation of Greenwood County Area Five Regional Mental Health Program or Clinic	9,378.00
Total, Item 5	\$134,559.60
Item 6. Public Welfare and Other Assistance:	
F-1. For boarding homes and emergency relief and matching State funds, if needed	\$ 2,000.00
Telegrams and long distance telephone calls	100.00
Expenses of Child Welfare Worker	600.00
<i>Provided</i> , that the above sum shall be payable in equal monthly installments of \$50.00 without the necessity of itemizing same.	
F-2. Veterans' Service Office:	
Salary of Service Officer	6,600.00
Salary of office help	3,650.00
F-3. Office expense and travel	600.00
<i>Provided</i> , the funds, if any, provided by the State for the support of Veterans' Service Officer of Greenwood County shall be applied to the pay- ment of the foregoing salaries and expenses and not duplicated.	
Office rent for Service Officer	425.00
Total, Item 6	\$ 13,975.00
Item 7. Contractual Services:	
G-1. Public buildings, including water, fuel, lights and insurance, and extra janitorial help	\$ 18,500.00
Repairs at Lander College	25,000.00
G-2. Printing and Stationery	3,500.00
G-3. Postage	3,250.00

G-4. Office supplies	4,500.00
G-5. Office equipment and repairs	6,500.00
G-6. Clerk of Court, supplies	7,000.00
G-7. Telephone and telegrams	6,000.00
<p>Telephones shall be located in such of the county offices and in the manner as designated by the Finance Board, and in the homes of the sheriff, the Greenwood Magistrate, the supervisor, the coroner, the deputy sheriffs stationed at the courthouse, the eight state patrolmen doing enforcement work in Greenwood County at \$4.00 each per month, the chief constable at Ware Shoals and the constables at Matthews Village, Harris Village and Ninety Six Village; <i>provided</i>, one-half of the charges for service in the homes of the constable shall be contributed by the respective manufacturing companies. All long distance messages shall be itemized and verified before payment from this fund.</p>	
G-8. Janitor Service	8,500.00
G-9. Paupers' funerals	200.00
G-10. Workmen's Compensation Fund	3,000.00
G-11. Premiums of Officers' Bonds	1,000.00
G-12. Servicing radios in Sheriff's cars	720.00
G-13. South Carolina Retirement System and Social Security	27,000.00
<p><i>Provided</i>, the county shall pay the employers' contribution to the Retirement System for officials receiving fee income only to the extent of \$7,700.00, and officials having income in excess of that amount shall pay the full contribution required on income in excess of \$7,700.00 by reimbursing the county for payments required of it on such account.</p>	
G-14. Airport utilities, county's share	600.00
G-15. Gas and oil for county-owned cars when away from central supply	100.00
G-16. Central gas, oil, and servicing for county-owned cars	5,500.00

G-17. Central Fund—parts, repairs and tires for county-owned cars	4,000.00
G-18. Police Officers' Retirement System	8,000.00
Total, Item 7	\$132,870.00
Item 8. Civil and Domestic Relations Court:	
H-1. Judge's salary	\$ 12,600.00
Probation Officer	5,350.00
Secretary	3,900.00
Assistant Probation Officer	3,900.00
Intake Worker	3,900.00
Court Stenographer	3,900.00
H-2. Travel Allowance:	
(1) Probation Officer	300.00
(2) Assistant Probation Officer	500.00
<i>Provided</i> , that the above shall be payable in equal monthly installments without the necessity of itemizing same.	
Miscellaneous Expense Fund	300.00
Total, Item 8	\$ 34,650.00
Item 9. County Board of Education	\$ 17,895.80
This appropriation is to be expended by the board along with state funds received and disbursed by it for the following purposes: telephone and supplies, supplement to salary of executive secretary (not to exceed \$2,000.00), clerical assistance, travel allowances, operation of the school lunch office (including increased supplements to the salaries of the supervisor and secretary of a minimum of 10% each), freezer plant storage of foods, adult education, compensation and travel of board members at the rate of \$5.00 per meeting and five cents per mile travel, and for such other educational purposes as the board may determine.	
<i>Provided</i> , from this appropriation the board is directed to hire an associate visiting teacher at appropriate compensation, who shall be assigned the duty of working closely with various com-	

munity and population groups of the county in promoting and encouraging attendance.

The board is authorized to create the office of executive or administrative secretary to the board which officer shall have all of the powers and duties heretofore imposed by law on the county superintendent of education.

Total, Item 9\$ 17,895.80

Item 10. Miscellaneous:

K-1. Civil Air Patrol	\$ 400.00
K-2. Civil Defense, for expenses, supplies, equipment and administration	5,000.00
<i>Provided</i> , that the civil defense program of the county qualifies to receive matching funds from State and Federal sources.	
K-3. Planning Commission	400.00
K-4. Greenwood Rescue Squad	1,800.00
K-5. Registration Board—supplement to salaries of members of board at \$330.00 per member	990.00
K-6. Data Processing Commission—county's share ..	20,000.00
K-7. Road bonds and notes, payment of principal, interest and fiscal agents' fees; <i>provided</i> , the county treasurer is instructed and authorized to expend the necessary amounts in payment thereof, even in excess of this appropriation ..	44,205.00
K-8. Municipalities and communities are allocated and appropriated the following amounts from the county's receipts from gasoline tax; <i>provided</i> , these funds be expended only for street and highway improvements and maintenance.	
(1) City of Greenwood—street improvement ..	40,000.00
(2) Town of Ninety-Six—street improvement ..	5,000.00
(3) Ware Shoals Water and Sewer District ..	1,500.00
(4) Town of Troy	500.00
(5) Town of Hodges	500.00

Provided, these appropriations shall not be disbursed until Item K-7 has been paid or funds sufficient therefor are reserved for such payment.

City of Greenwood:

County-City Planning Commission	2,680.00
Assistance for landfill	5,000.00
K-9. Purchase of automobiles, trucks and equipment for road maintenance	20,000.00
K-10. Subdivision road reimbursement contracts	10,000.00
K-11. Special School—Occupational Day Center	5,000.00
K-12. Greenwood County Beautification Commission .	5,000.00
K-13. Humane Society	500.00
K-14. Piedmont Technical Education Center	15,640.00
K-15. Additional Clerical help, Central Pool	11,200.00
K-16. Outdoor Recreation and Parks Commission ...	5,000.00
Total, Item 10	\$200,315.00
Item 11. Miscellaneous Contingent Fund for emergencies and unforeseen expenditures during the fiscal year 1966-1967, and for the auditing of county books	
<i>Provided</i> , in no event shall any portion of this fund be used for which a specific appropriation is made herein.	15,000.00
<i>Provided</i> , further, the financial books and rec- ords of the county for the preceding fiscal year shall be audited by such certified public account- ant as shall be designated by the county legisla- tive delegation, in accordance with the provisions of Section 14-2221 of the 1962 Code.	
Total, Item 11	\$ 15,000.00
GRAND TOTAL	\$982,611.40
Anticipated Revenue 1966-1967 other than taxation:	
Fines, Forfeitures and Licenses	\$ 75,000.00
Insurance License Tax	55,000.00
Bank Tax	8,500.00
Beer and Wine Tax	14,000.00
Alcoholic Liquor Tax	56,000.00
Income Tax	93,000.00
National Forest Fund	8,500.00
State contribution on Service Officer salary ...	5,300.00
Gasoline Tax	225,000.00
Reimbursement from industrial companies for	

constables	7,800.00
Miscellaneous income (fees, etc.) and interest ..	40,000.00
Delinquent tax execution fees and penalties	14,000.00
Delinquent taxes	18,000.00
TOTAL	\$620,100.00
Balance to be raised by other county income	\$362,511.40

SECTION 3. The amounts herein appropriated shall be paid out as nearly as practicable one-twelfth each month during the year 1966-1967, and if any item or salary has been overpaid for any month, such overpayment shall be deducted the following month. All accounts shall be kept separate and distinct and expended only for the purposes for which appropriated; *provided*, the amounts herein appropriated for the specific items as set out herein shall not, nor shall any part thereof, be used for any other purpose except upon the written consent of a majority of the members of the Legislative Delegation from Greenwood County. *Provided*, no claim or bill shall be approved or paid unless same shall state fully, under oath, what it is for, or give the kind or quality of thing or commodity which it represents, in addition to the amount and time furnished. The money herein appropriated for auto upkeep and travel and for other expenses of county officials shall be paid out only upon itemized claims which have been verified by the official incurring the expenses and approved by the Supervisor and Clerk to the Finance Board.

SECTION 4. The Finance Board of Greenwood County, with the approval of a majority of the members of the Legislative Delegation from Greenwood County, is hereby authorized and empowered to make regulations or take such action as may be necessary under any emergency which may arise before the convening of the next session of the General Assembly, for the financing of the affairs of Greenwood County, both the general county matters and all school matters, with the further provision that a full and complete record of any action taken under the provisions of this section shall be kept by the secretary of the Finance Board; *provided*, before any action is taken by the Finance Board in connection with this section, it shall call a joint meeting of the members of the Greenwood County Legislative Delegation in the General Assembly and the Finance Board to discuss such action. *Provided*, further, formal minutes shall be taken and transcribed in writing and maintained in a permanent minutes book of all formal meetings of the Finance Board of the county and all joint

meetings of the Finance Board and the County Legislative Delegation, such minutes reporting all actions and decisions of the Finance Board on all items of county business and administrative matters which are not otherwise recorded or evidenced in written form.

SECTION 5. In case of emergency the Finance Board of Greenwood County may, with written approval of the Greenwood County Legislative Delegation, borrow sufficient funds to carry out the terms of this act or to meet such emergency, pledging as security therefor any surplus in the sinking fund, general fund, or by tax levy when approved by the delegation.

SECTION 6. All fees for services rendered by any county official located in the temporary Courthouse on Phoenix Street shall be paid to and collected by the Greenwood County Treasurer. Persons requiring these services shall pay the required fee to the Treasurer and obtain a receipt therefor; the receipt shall then be carried to the county official rendering such service as evidence that the required fee has been paid.

The county officials located in the temporary Courthouse shall perform such services only upon the showing of said receipt and shall themselves collect no fees from the public.

This section shall take effect January 1, 1967.

SECTION 7. Any officer or employee, who disregards any of the provisions of this act without the written consent of a majority of the members of the Legislative Delegation from Greenwood County kept on file in the office of the County Supervisor, shall be guilty of a malfeasance in office and subject to removal, in addition to the punishment now provided by law.

SECTION 8. A majority of the qualified electors of Greenwood County having voted in favor of financial support of Lander College at the election held on May 2, 1951, the Auditor of Greenwood County is authorized and directed to levy, and the Treasurer of Greenwood County to collect, a tax not to exceed four mills on all the taxable property in Greenwood County, the proceeds of which shall be used in conjunction with other college revenues to defray the operating expenses of the college.

SECTION 9. The Finance Board will pay claims out of the appropriation of Item E-1 for the benefit of patients who are citizens of Greenwood County only when submitted in an itemized form by

the hospital rendering the services, showing the name of each person hospitalized supported by the affidavit of the proper officer of the hospital and certificate of the Department of Public Welfare to the effect that they have examined the person's financial ability, and that they have found such person financially unable to pay for his hospitalization, provided that claims submitted for payment will not exceed the actual cost of services rendered which will include only ward rates.

The Department of Public Welfare is hereby designated as the agency to make financial investigations for those patients requesting charity hospitalization, as provided for by an act of the General Assembly, 1958, entitled, "An Act To Prescribe The Duties And Responsibilities Of The Greenwood Department Of Public Welfare Concerning Indigent Patients To Receive Hospital And Medical Care At The Expense Of The County."

Provided, that no person shall be hospitalized as a charity patient for a period of time in excess of twenty days, unless the Finance Board shall have previously approved a longer stay. The Finance Board may approve a longer stay if it is made to satisfactorily appear from statements from the superintendent of the hospital, the doctor in charge of the patient, and the Department of Public Welfare that a longer stay is absolutely necessary from the standpoint of the patient and the financial condition of the patient warrants a further extension of charity from the county. No extension shall be for a period in excess of ten days. *Provided*, further, that in no event shall more than four thousand eight hundred dollars be expended or obligated in any one calendar month for all charity patients.

SECTION 10. Members of county boards and commissions and county employees using their own automobiles in travel on county business shall receive reimbursement therefor at the rate of nine cents per mile actually traveled on county business, to be paid from appropriations provided therefor. *Provided*, that this section shall not apply to county officers for whom there is appropriated a lump sum travel allowance.

SECTION 11. The Greenwood City and Public Library may cooperate or enter into contracts with any state or federal agency when by so doing it will receive substantial aid in carrying out the purposes of the library and may also enter into contracts with other counties to operate regional or joint libraries and facilities.

SECTION 12. The County Treasurer is hereby authorized and directed to publish in the county newspapers a statement reflecting the financial condition of the county as of June 30, 1967.

SECTION 13. All prior actions or disbursements taken or made, as a result of any resolution or action by the Legislative Delegation of Greenwood County, are hereby validated, ratified, confirmed and declared to be legal and binding.

SECTION 14. Any surplus in the general fund of the county or any funds accruing from any other source to the credit of the General Fund of Greenwood County during the fiscal year shall be used as a contingent fund and spent on the authorization of a majority of the Greenwood County Legislative Delegation.

SECTION 15. If any clause, phrase, sentence, paragraph, or section of this act shall be held invalid, same shall not affect the validity of remaining phrases, clauses, sentences, paragraphs or sections.

PART II

Permanent Provisions

SECTION 1

It is hereby declared to be the intent of the General Assembly that the following sections shall constitute a part of the permanent laws of the State of South Carolina, and the Code Commissioner is hereby directed to include same in the next edition of the Code of Laws of South Carolina and all supplements to the Code.

SECTION 2

Immediately upon receiving tax duplicates from the County Auditor, the Tax Collector shall cause to be mailed to each taxpayer listed thereon whose post office address is available, a written or printed notice stating thereon the amount of taxes assessed against the taxpayer for the current year, with such other information as the Tax Collector may deem desirable. This service to the taxpayers being gratuitous, no obligation shall rest upon the county or State, or Tax Collector, for any failure or mistake on the part of the Tax Collector in giving or failing to give the notice.

SECTION 3

A majority of the members of the Legislative Delegation from Greenwood County after consulting with the Superintendent of Edu-

cation and the trustees of the respective school districts as to their respective needs are hereby authorized to determine and fix the levy for school purposes for each school district in Greenwood County. The school trustees in each district in Greenwood County are hereby directed to see that all claims presented for payment are duly itemized and verified and shall state the purpose for which the claims are drawn and the County Board of Education is hereby prohibited from approving any claim unless so drawn.

SECTION 4

The department heads shall coordinate the employment of all personnel in their departments with the Finance Board. No employment or discharge of personnel shall be made by any department head without first consulting with the Finance Board. No county employee shall be discharged without the prior written concurrence of the Finance Board.

SECTION 5

Notwithstanding any other provision of law to the contrary, the Tax Collector of Greenwood County shall be charged with the responsibility of collecting all county taxes, both delinquent and current.

The Tax Collector of Greenwood County shall be appointed by a majority of the Greenwood County Legislative Delegation for a term of four years commencing July 1, 1966. The legislative delegation hereby appoints George Galphin, Jr., for the term of office commencing July 1, 1966.

SECTION 6

The Finance Board is authorized to borrow not exceeding one hundred forty thousand dollars under such terms and conditions as may be agreed upon by the lender and the borrower, \$65,000.00 of which shall be used for the road program, \$26,250.00 of which shall be used for courthouse rights-of-way, and \$48,000.00 of which shall be used for the purchase of equipment. For the payment of the loan, the full faith, credit and taxing power of Greenwood County is irrevocably pledged.

SECTION 7

No fee shall be charged by the County Health Department for a search of its records of vital statistics when the search does not result in the furnishing of a certificate or copy of a record.

End of Part II

This act shall take effect upon approval by the Governor.

Approved the 13th day of June, 1966.

(R895, S588)

No. 1305**An Act To Provide For The Closing Of A Portion Of A Street In the Town Of Yemassee In Hampton County.**

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Portion of street closed in Town of Yemassee.—That certain street in the Town of Yemassee, Hampton County, beginning at a point on the northwestern side of the old Salkehatchie Road, S-25-44, approximately 700' southeast of the intersection of the old Salkehatchie Road and U. S. Highway No. 17A, and running in a northwesterly direction approximately 425' to a point on the southeastern side of U. S. Highway No. 17A, which point is approximately 600' southwest of the intersection of U. S. Highway No. 17A and the old Salkehatchie Road, is hereby removed from the State Highway System and from the Public Streets System of the Town of Yemassee and such street is hereby closed.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 24th day of March, 1966.

(R1338, H2681)

No. 1306**An Act To Provide For The Levying Of Taxes For Ordinary County And Road Purposes In Hampton County For The Fiscal Year Beginning July 1, 1966, And Ending June 30, 1967, To Provide For The Expenditure Thereof, And To Amend An Act Of 1966, Bearing Ratification No. 875, Relating To County Government In Hampton County, So As To Make Appropriations And Tax Levies Subject To Approval By The Membership Of the House Of Representatives From Hampton County.**

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. A tax of sufficient number of mills to pay the appropriations in Hampton County herein made, the amount of such millage to be determined by the county auditor and the county treasurer, is hereby levied upon all the taxable property of Hampton County for county purposes for the fiscal year beginning July 1, 1966, and ending June 30, 1967, as follows:

ITEM A.—ADMINISTRATION AND SUPPLY
SERVICES:

A-1. County Council (effective 1/1/67):	
(a) Members, 4 @ \$140.00 per month	\$ 3,360.00
(b) Member and Chairman, \$150.00 per month	900.00
(c) Manager	
(d) Clerk, \$210.00 per month	1,260.00
(e) Travel and Miscellaneous Expenses	5,000.00
A-2. County Attorney	819.00
A-3. County Physician	819.00
A-4. Advertising, Publication of Reports and Legal Notices	200.00
A-5. Audits, Bond and Insurance Premiums, including Workmen's Compensation	3,500.00
A-6. Contributions and Donations:	
(a) Allendale-Hampton-Jasper Regional Library, in- cluding \$150.00 Retirement Contribution (Ex- pend subject to Section 16)	4,161.81
(b) Employee Retirement Systems:	
(1) S. C. Retirement System	7,200.00
(2) S. C. Police Officers Retirement System .	768.00
(3) Federal Social Security	5,000.00
(c) National Guard, local units (Expend subject to Section 16)	1,440.00
(d) Western Carolina Higher Education Commis- sion (Expend subject to Section 16)	3,600.00
(e) Watermelon Festival (Expend subject to Sec- tion 16)	400.00
A-7. Office Equipment and Supplies	5,000.00
A-8. Pauper Funerals and Vital Statistics	900.00
A-9. Postage Fees and Telephone Services	5,000.00
<i>Provided</i> , postage, post office box rent, postal fees may be paid by treasurer against claim of any county officer and held as cash item with post- master's receipt attached.	
A-10. Research, Planning and Development Commis- sion (Expend subject to Section 16)	9,199.00
A-11. Tax Refunds, including Street Taxes and Tax Exemption New Industry	2,000.00
A-12. Debt Service	5,750.00

A-13. County Board of Commissioners (Expires 12/31/66):

(a) Supervisor, salary	2,572.50
Supervisor, expense	315.00
(b) Commissioners, 2 @ \$140.86 per month	1,690.32
(c) Clerk	1,260.00

Total, Item A\$ 72,114.63

Provided, that the supervisor shall have the right to use gasoline and motor oils in his private automobile while on the county's business.

ITEM B.—PUBLIC WORKS:

B-1. Director, salary	\$ 2,572.50
Director, expense	315.00
B-2. Roads and Bridges:	
(a) Chain Gang Guards—	
(1) Guard	3,600.00
(2) Guard	2,010.00
(b) Equipment Operators—	
(1) Operator	4,200.00
(2) Operator	3,600.00
(3) Operator	3,300.00
(4) Operator	2,400.00
(c) Prison Camp Supplies	6,110.00
(d) Bridges and Culverts	10,000.00
(e) Tractors and Machines	3,000.00
(f) Machine Repairs and Equipment Supplies	12,638.00
B-3. Public Buildings and Grounds:	
(a) Janitor Service, Courthouse Square	2,130.00
(b) Grounds and Shrubbery Care	300.00
(c) Repairs and Supplies	2,000.00
(d) Utilities:	
(1) Electric Service	5,325.00
(2) Fuel	1,650.00
(3) Water Service	625.00

Total, Item B\$ 65,775.50

Provided, that the Director of Public Works shall have the right to use gasoline and motor oils in his private automobile while on the county's business.

ITEM C.—FINANCE AND TAXATION:

C-1. Appraising and Assessing:	
(a) Director, salary	\$ 4,800.00
(b) Clerks, salaries	6,000.00
(c) Mileage	500.00
C-2. Auditor, salary	1,250.00
Auditor, expense	840.00
C-3. Board of Tax Equalization and Board of Tax Appeal	1,300.00
C-4. Tax Collector, salary	4,410.00
Tax Collector, expense	474.00
C-5. Treasurer, salary	4,200.00
C-6. Clerk for Auditor and Treasurer	5,000.00
Total, Item C	<u>\$ 28,774.00</u>

ITEM D.—COURTS AND LAW ENFORCEMENT:

D-1. Clerk of court, salary	\$ 2,835.00
Deputy Clerk, salary	3,339.00
Deputy Clerk, salary	2,520.00
D-2. Coroner Investigations:	
(a) Coroner, salary	756.00
(b) Inquests and Post Mortems	150.00
D-3. Probate Court:	
(a) Judge, expense	2,205.00
Clerk, salary	2,520.00
(b) Lunacy Examinations	120.00
D-4. Circuit Court Expenses:	
(a) Jurors, Bailiffs, and Jury Child, ten dollars each, per diem. Witnesses, two dollars each per diem. All, eighteen cents each per mile one way per term of court	7,500.00
(b) Resident Judge, 14th Judicial Circuit, office expense	500.00
D-5. Magistrates and Constables:	
(a) Goethe Township Magistrate (term expires 4/7/67)	1,960.00
Constable	1,470.00
(b) Lawton Township Magistrate (term expires 2/15/69)	1,890.00
Constable	1,575.00

(c) Peeples Township Magistrate (term expires 4/-/67)	2,362.50
Constable	3,307.50
(d) Pocataligo Township Magistrate (term expires 4/7/67)	1,470.00
Constable	1,225.00
(e) County Magistrate (effective 4/1/67)	1,350.00
Constable	1,102.50
(f) Report Clerk (expires 4/-/67)	90.00
D-6. Sheriff's Department:	
(a) Sheriff, salary	2,850.00
Sheriff, expense	3,150.00
(b) Deputy Sheriffs, (2), salaries	4,800.00
Deputy Sheriffs, (2), expenses	5,670.00
(c) Jailor, salary	525.00
Jailor, expense	1,554.00
(d) Jail Expenses:	
(1) Dieting Prisoners	2,100.00
(2) Medical Expense, Prisoners	200.00
(3) Transportation, Prisoners	200.00
(e) Automobile Maintenance	400.00
(f) Radio and Teletype	2,038.44
(g) Sheriff's Contingent	300.00
Total, Item D	\$ 64,034.94

ITEM E.—AGENCIES AND SERVICES:

E-1. Clemson Extension Services:

(a) Farm Agent	\$ 630.00
(b) Clerk, Farm Agent	630.00
(c) Clerk, Home Demonstration Agent	1,386.00
(d) Four-H Clubs, Demonstration Material and Miscellaneous Supplies	250.00
(e) Assistant Home Demonstration Agent	756.00

E-2. Department of Public Welfare:

(a) Expenses	2,000.00
(b) Relief	4,000.00

E-3. Forestry Board (meetings, members five dollars per diem each, and fourteen cents per mile one way per board meeting)

75.00

E-4. Health Centers:

(a) Operation and Supplies (including Medical and Office Supplies, telephone, postage, laundry and expenses thereto)	2,500.00
(b) Electric Service, Water, Heat and Cleaning:	
(1) Hampton Center	780.00
(2) Estill Center	360.00
(3) Yemassee Center	200.00
(c) Chest X-ray, T-B Control and Technical Services	600.00
(d) Insect Control, labor—2 operators \$50.00 per week, payable biweekly, not to exceed a 20-week season	2,000.00
(e) Travel	1,320.00
(f) Clinician Fees	240.00

E-5. Library:

(a) Library at Hampton:	
(1) Custodian	756.00
(2) Assistant	240.00
(3) Rent	660.00
(b) Library at Estill	360.00

E-6. Supervisors of Registration 3,600.00

E-7. Veterans' Service Office:

(a) Service Officer, salary	2,520.00
Service Officer, expense	905.00
(b) Clerk, salary	2,650.00
(c) Office expenses	350.00
(d) Travel, Veterans' Affairs	200.00

E-8. Civil Defense:

(a) Allocation	1,250.00
(a) Rent	500.00

Total, Item E \$ 31,718.00

GRAND TOTAL \$262,417.07

Less Estimated Revenues other than property taxes:

Alcoholic Liquor Tax	\$ 20,328.86
Bank Tax	2,400.00
Beer and Wine Tax	5,000.00
Fines	20,500.00

Gasoline Tax	76,478.31
Income Tax	38,458.96
Insurance License Fees	12,000.00
Rents	2,200.00
Tax execution collections	6,313.13
Tax execution fees	3,299.52
Veterans' Service Office	4,590.30

Total, Estimated Revenues other than current property taxes	\$191,569.08
Development Board prior year's balance	\$ 9,199.69

Total, Estimated Revenues	\$200,768.77
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Amount to be raised by county tax levy, including
commutation road tax\$ 61,648.30

Provided, that the County Attorney of Hampton County is hereby required to give each county officer of the county advice when requested for same; *provided*, further, that the Farm Demonstration Agent shall be appointed by the proper authorities by and with the consent of the Legislative Delegation from Hampton County, and shall be subject to removal on request of the legislative delegation.

Provided, further, that all revenues provided for by law shall be collected and placed in ordinary county funds to supplement and provide sufficient funds for all ordinary county purposes.

Provided, that hereafter the janitors of the courthouse and county office buildings shall work and perform their duties under the control and direction of the clerk of court and farm demonstration agent, respectively. All claims shall have the approval before payment by at least two members of the county board and such approval by a majority shall be sufficient to constitute the board's approval.

Provided, further, that nothing herein or otherwise shall be construed as limiting the total compensation, including expense allowance of any

county officer from fees, county or State appropriation, except that all tax execution fees collected shall be remitted to the county treasury for general county purposes.

SECTION 2. No road tax shall be levied except a commutation road tax of three dollars to be assessed and collected from each male citizen between the ages of twenty-one and fifty-five years, inclusive. No one shall be exempt from payment of the commutation tax, except persons totally disabled. All commutation taxes shall be expended on roads and bridges and all of the commutation tax collected from citizens of incorporated towns by the county treasurer shall be returned to the respective towns, except that no refunds of any commutation (street) tax shall be paid to any town for any person whose name does not appear on the list filed as herein provided. *Provided*, that the town authorities of Brunson, Hampton, Varnville, Yemassee, Estill, Luray, Scotia and Furman be empowered to collect the commutation tax from residents within their respective corporate limits. *Provided*, further, that clerks of the respective towns, on or before March first of 1967 and each succeeding year, furnish a list duly sworn to, to the county auditor, and copies to the county treasurer and county board of commissioners, of all persons in their respective towns who are liable to such commutation tax.

SECTION 3. The auditor and treasurer of Hampton County shall be and they are hereby constituted a Sinking Fund Commission of Hampton County, whose duty it shall be to handle all funds collected for the purpose of creating a sinking fund for the retirement of all bonds of the county.

No public funds of Hampton County shall be deposited in any bank or depository unless the bank or depository shall tender to the treasurer of the county a security equal in value to the funds deposited. The security shall consist of either a surety bond executed by a licensed surety company, United States Government Bonds, bonds of the State of South Carolina, Federal Land Bank Bonds, or bonds of any political subdivision of the State of South Carolina, after Federal Deposit Insurance Corporation guarantees have been considered, or such other security or securities as shall be approved in writing from time to time by a majority of the Legislative delegation.

On the maturity or payment of any bonded indebtedness of any school district in Hampton County by the county treasurer, the same may be paid by the county treasurer without securing a voucher

therefor from the school district trustees, provided the county superintendent of education authorizes such payment in writing.

SECTION 4. The clerk of the county board of commissioners may, at his discretion, and in lieu of requiring submission of salary and expense claims monthly, prepare a monthly payroll in duplicate listing each county employee with appropriations act item number, monthly salary and expenses, less required and authorized pay deductions and issue county board of commissioners' "County Check" (warrant) in the usual manner for balance due to each county employee at the close of the last day of each month. The county check (warrant) number, date and amount shall be entered on the appropriate line on the payroll. The county check (warrant) shall be drawn against the county treasurer, payable from the "County Fund" account in the usual manner. Each monthly payroll shall be approved by the county board of commissioners and duplicate filed with the county treasurer. The county board of commissioners or its clerk may withhold, or delay issuing, a county check (warrant) to any employee when believed necessary to protect the county's interest, including settlement of tax executions held by the tax collector when notified in writing and a copy is mailed to employee concerned.

SECTION 5. The county supervisor and the county commissioners are hereby prohibited to issue any pay check (warrant) to any magistrate of Hampton County until the magistrate has filed report and remitted all funds, including fines and costs, due Hampton County to the county treasurer for the previous month; *provided*, all funds due the South Carolina Wildlife Resources Department have been remitted and the department has not notified the county board of commissioners in writing otherwise.

SECTION 6. The county supervisor or the director of public works, upon the request of any county commissioner, is hereby authorized to furnish from the chain gang a truck and sufficient number of convicts to do such work on roads and bridges in the county as such commissioners or council members deem necessary.

SECTION 7. All lumber purchased shall be with the approval of a majority of the county commissioners and the county supervisor or director of public works.

SECTION 8. All notices by the county supervisor or director of public works, county treasurer, county superintendent of education, county auditor and other county officers, provided by statute to be

given, may be published in any newspaper published or having circulation in Hampton County; and two hundred dollars set out in Item A-4 is for the payment in full of such notices as are published in any paper during the year. *Provided*, however, that the word "notices" above used shall not be deemed to include notices and advertisements of tax sales, and the sum of two hundred dollars is not in payment of the costs of advertising tax sales.

SECTION 9. The county supervisor or county manager, treasurer, auditor and clerk of court shall compose a board to purchase all books and stationery for the county.

SECTION 10. No property owned by Hampton County shall be sold, rented or leased unless the approval of the legislative delegation is first secured.

SECTION 11. The courthouse and grounds shall be under the custody and control of the clerk of court for Hampton County, except that the county office building shall be under the custody of the farm demonstration agent for Hampton County.

SECTION 12. Wherever in the conduct of the affairs of the county it becomes necessary for the county treasurer to expend money for any matters and things not foreseen at this time, and when the legislative delegation shall approve the expenditure in writing and the approval has been signed by both members thereof, or by action of the county council in writing, then such expenditures made under such authority are hereby validated.

SECTION 13. From and after the effective date of this act the Sheriff of Hampton County shall not be required to personally serve grand jurors or petit jurors requiring their attendance upon either the court of general sessions or the court of common pleas, but such service shall be made by mailing a summons to the last known address of such prospective jurors and no charge shall be made or collected for such service. *Provided*, that the presiding judge may otherwise order service made personally by the sheriff and, in such event, the sheriff shall be paid for same the amounts now allowed for same. Likewise, hereafter the Sheriff of Hampton County shall not be required to serve or summons witnesses in criminal cases except by subpoena duly issued on motion of solicitor or as ordered so to do by the presiding judge. Such witnesses may be served by mailing a summons to the last known address of such witnesses for which no charge shall be made or collectible; and it shall be the duty of all

magistrates in Hampton County to place under bond all witnesses for the State, blanks for same to be furnished by the clerk of court to the various magistrates.

SECTION 14. All persons actually in the Armed Forces of the United States on active duty shall during service be exempted from payment of personal property taxes on one vehicle, including one in wife's name if none in husband's name in tax book, and from payment of road, poll and dog taxes levied for 1966 and for any prior year when the above conditions have been met. The county auditor, treasurer and tax collector are authorized to abate or mark "Nulla Bona" such taxes as may be levied; and the county auditor may approve county claim for refund when such taxes have been paid; and in all the foregoing cases be subject to presentation of satisfactory evidence of service in the Armed Forces, provided no dog tax shall be levied for 1966 against any person.

SECTION 15. In the event the clerk of court should have in his official capacity any funds which have been unclaimed for as long as five years, he is hereby authorized to pay same over to the county treasurer, taking his receipt for the same. The county treasurer shall deposit any amount so received in the general county fund.

SECTION 16. Such funds as are herein appropriated as county contribution, donation, or other support of any county agency or civic organization shall be made available on county check (warrant) issued by the county board of commissioners drawn on the county treasurer on letter request by such agency or organization for actual amount of funds determined to be needed and how arrived at, supported by its current year's (fiscal or calendar) financial operations statement to date of the letter request, with advice that a copy of the previous year's audit has been filed for record with the office of the clerk of court for Hampton County. Only after the county board of commissioners has made favorable recommendations, not in excess of appropriation item and the later written approval of the county legislative delegation, will such county check (warrant) be issued for approved amount; however, the approved amount may be disbursed in one or more county checks (warrants) in the discretion of the county board of commissioners with regard to funds available in the county treasurer's office for the county fund general purposes.

SECTION 17. All county officers for Hampton County may close their respective offices at twelve o'clock noon on each Thursday and

Saturday throughout the year and keep same closed for the remainder of the day and all day of the Watermelon Festival; except, that any officer may keep his office open for the necessary performance of his duties.

SECTION 18. Any new manufacturing enterprise claiming exemption from county taxes (other than taxes for school purposes) for a period of five years from its establishment under the provisions of Section 8 of Article VIII of the State Constitution shall make letter request to the county auditor who will determine if the new manufacturing enterprise has made investment of not less than fifty thousand dollars or additions to existing manufacturing enterprise of not less than fifty thousand dollars, as is evidenced by Hampton County property return or certified documents filed with the South Carolina Tax Commission of the enterprise. Upon a favorable finding by the county auditor, the request shall be submitted to the county legislative delegation for approval. The county treasurer shall establish and maintain complete files on each tax-exempt enterprise. The county treasurer is authorized, in lieu of exempt amount of taxes, to execute county claim in his favor as county treasurer for the amount and to handle same as a "Cash Item" in his county fund account for reimbursement on "Next First Monday" by the county board of commissioners at the same time payment of balance due taxes is made by any such enterprise. *Provided*, any new manufacturing enterprise may submit evidence under oath by its owner, partner or officer if a corporation, if its Hampton County property tax return or certified documents filed with the South Carolina Tax Commission does not reflect as much as fifty thousand dollars' investment, to the county auditor for reference to the county legislative delegation. *Provided*, further, that after approval for exemption from county taxes (other than taxes for school purposes) and in any subsequent year when the records and/or documents aforementioned do not reflect as much as fifty thousand dollars' investment being maintained, then such prior approval shall be considered, revoked and no longer in force and effect.

SECTION 19. Any person traveling on business for Hampton County shall receive nine cents per mile as travel expense.

SECTION 20. The governing body of the county shall require all bills or claims submitted for payment from the public funds of the county in which any county officer or employee certifies, approves or executes an affidavit thereon, to state in writing over his signature

that the bill or claim is true, just and unpaid and that the amount due does not exceed the balance of the appropriation made therefor. Reference shall be made to the specific line appropriation.

SECTION 21. On and after January 1, 1967, all references in the foregoing sections of this act to "delegation" and "county board of commissioners" shall be construed to mean and read "county council."

PART II

Permanent Provisions

SECTION 1. It is hereby declared to be the intent of the General Assembly that the following section shall constitute a part of the permanent laws of the State of South Carolina, and the Code Commissioner is hereby directed to include same in the next edition of the Code of Laws of South Carolina and all supplements to the Code.

SECTION 2. An Act of 1966, bearing Ratification No. 875, is amended by adding a new section as follows, so as to provide for the approval of the membership of the House of Representatives representing Hampton County of all appropriations and tax levies made by the county council:

"Section 6-A. No appropriations or levy of taxes as authorized in Section 6 shall be made without the approval of the membership of the House of Representatives representing the county."

End of Part II

This act shall take effect upon approval by the Governor.

Approved the 1st day of June, 1966.

(R810, H2007)

No. 1307

An Act To Authorize The County Board Of Commissioners Of Horry County To Borrow Not Exceeding Two Hundred Thousand Dollars For Construction Of New Facilities For The Technical Education Center Of Horry County, And To Provide For The Payment Of The Loan.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Horry County may borrow money.—The County Board of Commissioners of Horry County is hereby authorized to

borrow not exceeding two hundred thousand dollars from the Division of General Services, or any other lending agency, at the lowest interest rate available, for the purpose of constructing new facilities for the Technical Education Center of Horry County. The indebtedness shall be evidenced by notes signed by the chairman of the board and the county treasurer. The indebtedness shall be repaid upon such terms as the borrower and lender may agree, not to exceed five years or four per cent interest.

For the payment of the indebtedness, the full faith, credit and taxing power of the county are irrevocably pledged, and the county auditor and county treasurer are directed to levy and collect annually a sufficient sum to pay the principal and interest thereon.

Should the monies be borrowed from the Division of General Services and should there be default in any payment, the State Treasurer is directed to withhold any funds accruing to the county and to transmit them to the Division of General Services.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 25th day of February, 1966.

(R1084, H2146)

No. 1308

An Act Authorizing The Treasurer Of Horry County To Cancel A Debt Of The Loris Community Hospital District And Remit Certain Surpluses Of A Tax Levy To The District Each Year.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Treasurer of Horry County may cancel debt of Loris Community Hospital District.—The Treasurer of Horry County is hereby authorized to cancel the indebtedness of Loris Community Hospital District in the amount of fourteen thousand dollars borrowed from the surplus funds of a tax levied for the payment of bonds issued pursuant to Act 444 of 1959 for hospital facilities. Any surplus monies resulting from such tax levy shall be remitted to the district each year.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 29th day of April, 1966.

(R1122, H2201)

No. 1309

An Act To Make Supplemental Appropriations For The Fiscal Year 1965-1966 From The General Fund Of Horry County.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. The following supplemental appropriations are made from the General Fund of Horry County for the fiscal year 1965-1966:

Horry County Airport	\$ 30,000.00
Horry County Technical Center	286,000.00
One lot on Corner of Second Ave. and Elm Street ..	22,000.00
Roads (maintenance and supplies)	28,000.00
Roads and Chain gang salaries	9,000.00
Inquests and Lunacies	500.00
Extra Clerk for Treasurer	2,900.00
Court Stenographer—G. W. Harrelson, Magistrate	600.00
L. F. Bryan, Game Warden	540.00
Part-time Clerk—Judge of Probate	1,000.00
Horry-Marion Technical Education Center (operating expense to June 10, 1966)	5,800.00
Jury and witness expense	5,000.00
Horry Development Board	10,000.00
Travel for Retarded Children	1,800.00
Total	<u>\$403,140.00</u>

SECTION 2. This act shall take effect upon approval by the Governor.

Approved the 4th day of May, 1966.

(R1312, S728)

No. 1310

A Joint Resolution To Create A Committee In Horry County To Make A Study Of Salaries And Job Responsibilities Paid To County Employees And To Make An Appropriation Therefor.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Horry County—committee created to study salaries and job responsibilities of county employees.—There is

hereby created in Horry County a committee of seven members to be appointed as follows: Five shall be appointed by a majority of the legislative delegation, including the resident Senator, one shall be appointed by the Horry County Bar Association from its membership and one shall be a public accountant or certified public accountant to be appointed by the Horry County Board of Commissioners. The members of the committee shall meet as soon after appointment as is practicable and select a chairman and such other officers as they may deem necessary.

SECTION 2. Duties.—The committee shall study the job responsibilities of all the departments and agencies of Horry county for which county funds are expended, and the various salaries paid. The committee shall prepare a report for the legislative delegation not later than March 15, 1967, reflecting all disparities in salaries of persons charged with the same degree of job responsibilities, qualifications, and length of service. The report shall include such other information, including recommendation of consolidations, as the committee may deem advisable to report.

SECTION 3. Professional personnel.—The committee is authorized to retain the services of such professional and technical personnel as it may deem necessary in making its study.

SECTION 4. May issue subpoenas.—The committee is hereby granted power to issue subpoenas and to require witnesses to testify under oath.

SECTION 5. Compensation.—The members of the committee shall receive such per diem, subsistence and mileage as is provided by law for boards, committees and commissions.

SECTION 6. Appropriation.—There is hereby appropriated five thousand dollars or so much thereof as may be necessary from the general fund of Horry County for expenses of the committee.

SECTION 7. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 8th day of June, 1966.

(R1402, H2639)

No. 1311

An Act To Provide For The Operation Of The Government Of Horry County And For The Levy Of Taxes For The Fiscal Year Beginning July 1, 1966 And Ending June 30, 1967.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. There is hereby levied upon all of the taxable property in Horry County a sufficient number of mills, not to exceed sixteen mills (this includes four mills levied for the construction of the Horry-Marion-Georgetown Technical Education School building), to be determined by the auditor from assessment of the property therein, which together with fines, forfeitures, gasoline tax, fees collected by various officers, and all income of the county, shall raise the amount herein appropriated. For county purposes for the fiscal year 1966-1967 there is appropriated the following:

Item 1. Clerk of Court's office—Expenses:

Clerk of Court	\$ 8,000.00
Deputy Clerk of Court	5,757.91
First Assistant—Steno-Clerk and Bookkeeper ..	3,925.85
Four Assistant Steno-Clerks @ \$3,354.81	13,419.24
<i>Provided</i> , the clerk shall, when at all possible, place the address of the grantee or at least one of the grantees, if more than one, on all deeds prior to filing in his office.	
Wages account for bailiffs, court crier and jury boy	5,500.00
<i>Provided</i> , that bailiffs and court criers shall be paid at the rate of not less than eight dollars per day.	
Jurors and Witness fees	35,000.00
<i>Provided</i> , that jurors in Magistrates' Courts shall be paid \$2.00 per day or a fraction thereof.	
Contingent Court Fund	1,000.00

Total, Item 1

\$ 72,603.00

Item 2. Treasurer's Office—Administrative Expense:

Treasurer—County Supplement	\$ 3,923.00
<i>Provided</i> , that the salary of the Treasurer shall be \$8,000.00, and if the State fails to pay an amount sufficient to bring the salary of the	

Treasurer to that amount, then such amount is hereby appropriated as to bring his salary up to \$8,000.00 and no more.

Deputy Treasurer	5,757.91
First Assistant Steno-Clerk	3,925.85
Three Assistant Steno-Clerks @ \$3,354.81 ...	10,064.43

Total, Item 2\$ 23,671.19

Item 3. Auditor's Office—Administrative Expense:

Auditor—County Supplement	\$ 3,423.00
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Provided, that the salary of the Auditor shall be \$8,000.00, and if the State fails to pay an amount sufficient to bring the salary of the Auditor to that amount, then such amount is hereby appropriated as to bring his salary up to \$8,000.00 and no more.

Deputy Auditor	5,757.91
First Assistant Steno-Clerk	3,925.84
Five Assistant Steno-Clerks @ \$3,354.81	16,774.05
Equalization Board	2,000.00
Travel for Executive Secretary for County Board of Assessors @ 7 cents per mile not to exceed	1,000.00

Total, Item 3\$ 32,880.80

Item 4. For Policing Horry County:

Sheriff	\$ 8,000.00
Chief Deputy	5,610.00
Two Deputy Sheriffs @ \$5,500.00 each	11,000.00
Secretary to Sheriff's Office and Coroner	3,925.84
County Police Commissioners, six @ \$440.00..	2,640.00
Chief of County Police	6,500.00
Sergeant, County Police	5,610.00
County Police, eight @ \$5,500.00	44,000.00
Secretary to County Police Commission	3,750.00
County Police for Little River	825.00
County Police for Atlantic Beach	1,200.00
Colored policemen assigned to the county police (part time)	1,200.00

County Jailers at Nixons Cross Roads, one @ \$2,608.27, who shall act as Chief Jailer, and one @ \$2,498.27; provided, that the jailors shall be under the jurisdiction of the County Police Commission	5,106.54
Three assistant jailors and night radio operators @ \$3,426.19	10,278.57
Constable assigned to the office Magisterial District No. 1	2,541.00
Travel for Constable assigned to Magistrate of District No. 1	600.00
Jailor for Horry County	3,533.75
<i>Provided</i> , that initial uniforms shall be furnished by the county, and thereafter \$100.00 per year per officer for maintenance and replacements.	
<i>Provided</i> , further, that upon termination of employment all uniforms and accessories shall be turned in to the county.	
Jail Matron	1,650.00
For operation and maintenance of county-owned law enforcement equipment	33,000.00
Horry County Jail at Conway	18,000.00
<i>Provided</i> , that all municipal corporations of Horry County shall be charged the sum of \$1.50 per day for the dieting of prisoners in any County Jail.	
Conveying prisoners (for out-of-county meals only)	500.00
For purchasing law enforcement vehicles and equipment	18,500.00
Total, Item 4	\$187,970.70
Item 5. Probate Judge's Office—Administrative Expense:	
Probate Judge	\$ 8,000.00
<i>Provided</i> , that the Probate Judge shall perform no services outside of his office and shall perform no marriage ceremonies at his place of residence or any other place except during regular office hours.	
Deputy Probate Judge	3,925.84

Steno-Clerk	3,354.81
Total, Item 5	\$ 15,280.65
Item 6. Coroner, Probation and Tax Collector's Offices	
—Administrative Expenses:	
Coroner	\$ 2,500.00
Travel for Coroner	1,500.00
Assistant Steno-Clerk to Tax Collector	3,354.81
Part-time Secretary for Probation Office	832.75
Travel for Probation Officer	600.00
Inquest and Lunacy	1,200.00
Total, Item 6	\$ 9,987.56
Item 7. County Court Judge's Office—Administrative	
Expenses:	
County Judge	\$ 14,000.00
Court Stenographer for County Court	5,100.00
Total, Item 7	\$ 19,100.00
Item 8. Magistrate's Office—Administrative Expense:	
Magistrate at Aynor—Salary	\$ 3,000.00
Magistrate at Bayboro—Salary	3,000.00
Magistrate at Myrtle Beach—Salary	3,000.00
Magistrate at Green Sea—Salary	3,000.00
Magistrate at Nixons Cross Roads—Salary	3,000.00
Magistrate at Loris—Salary	3,000.00
Magistrate at Floyds—Salary	3,000.00
Magistrate at Conway—Salary	3,500.00
Magistrate's Secretary at Conway	3,354.81
Magistrate's Secretary at Myrtle Beach	600.00
Wages account for Steno-Clerk for Magistrate's	
Court other than Magisterial District 1	600.00
<i>Provided</i> , Magistrate's Secretary must be able	
and it shall be her duty to take down in short-	
hand and transcribe the testimony in all cases	
appearing in the Magistrate's Court where such	
testimony is requested by either side of any	
litigated case. <i>Provided</i> , further, that the funds	
last provided for above shall be disbursed only	
upon approval by the county board of commis-	

sioners upon certification by the magistrate concerned that the recipient has performed stenographic services concerning trials only tried before the magistrate. *Provided*, further, that a list of available secretaries shall be submitted to the county purchasing agent of those qualified to take and transcribe shorthand and with a knowledge of typing, from each of the magistrates prior to disbursement of any of the above fund. *Provided*, further, that a request shall be made from the magistrate to the county purchasing agent prior to trial, so that an adequate record may be made by the purchasing agent of the names of the respective parties to the trial or hearing. *Provided*, further, that no more than \$15.00 may be paid for any one trial or hearing. *Provided*, further, that during the General Sessions Court all county police officers shall be available to the court and available to aid and assist the Sheriff in calling witnesses and all other work necessary for the orderly procedure of the court. *Provided*, further, that all county police officers shall immediately serve all subpoenas and civil papers sent to their area by the Sheriff or attorneys or any other officer of the court. Each county police officer shall make his return, when called for, on any civil or criminal service. *Provided*, further, no Magistrate in Horry County shall receive compensation for his services until his monthly report, which shall include a report of all fees collected, and be accompanied by a probated statement to the effect that regular office hours have been established. Each magistrate shall establish regular office hours from 9 a. m. until 1 p. m. six days per week and as much longer as necessary to transact the business of the office. The hours shall be posted in a conspicuous place at all times. Magistrates in the incorporated areas of the county shall maintain office hours the same as

now maintained or as long as necessary to transact the business of the office, not including Sundays or legal holidays. *Provided*, further, that any recommendations made by the certified public accountant as set forth by his annual audit, and approved by the county board of commissioners, shall have the full force and effect of law and no department head in Horry County shall receive his salary until such recommendations as approved by the county board of commissioners have been adopted and put in full force and effect by such department head.

Total, Item 8\$ 29,054.81

Item 9. (A) County Board of Commissioners—Administrative Expenses:

Chairman of County Board—Salary\$ 8,000.00
Commissioners—travel expenses six @ \$440.00 each 2,640.00

Clerk of County Board and Purchasing Agent.. 8,000.00

Secretary to County Board and Delegation 3,750.00

Provided, that the secretary shall be employed by a majority of the delegation, which majority shall include the Horry resident Senator of District 10.

Courthouse Custodian—employed by County Board 3,600.00

Travel for Custodian 656.50

Horry County Development Board 30,000.00

Provided, that out of the above sum appropriated the salaries of personnel shall be approved by a majority of the Horry County Development Board and a majority of the legislative delegation, which majority shall include the Horry resident Senator of District 10.

One-half salary of Secretary for Judge of the Fifteenth Judicial Circuit for 1966-67 1,500.00

Purchasing Agent's Account—For Purchasing Agent's budget for purchasing supplies and equipment for county offices to include purchase of tax machine for auditor's office 50,000.00

Charities and donations to be distributed by County Board in case of emergencies	1,500.00
Audit of County Offices	2,500.00
County Attorney	1,320.00
(B) Miscellaneous expense—disbursed as here- in provided:	
Public Buildings—operation and maintenance ..	27,000.00
Rent Account	3,540.00
Insurance on Public Buildings	6,000.00
For preparation and paving parking lot adjacent to county courthouse	25,000.00
Social Security and Retirement	42,000.00
Police Retirement	6,000.00
Contingent Account	10,000.00
Officials' Bonds	2,000.00
Workmen's Compensation	3,500.00
County Employees Group Insurance Fund	4,000.00
Supplement, Game Wardens, five @ \$45.00 per month	2,700.00
Horry County Registration Board	1,200.00
County Service Officer—Office Help	1,500.00
Service Officer—Travel	1,500.00
National Guard—Conway	1,200.00
National Guard—Myrtle Beach	1,200.00
<i>Provided</i> , that funds for the National Guard shall be disbursed only after approval of vouch- ers by the Board of Commissioners.	
Total, Item 9	\$251,806.50

Item 10. Other Administrative Expense:

County Farm Demonstration Agent's Office:	
County Agent—Supplement	\$ 466.00
First Assistant County Agent	466.00
Two Assistant County Agents	700.00
Boys' 4-H Club Work	350.00
Girls' 4-H Club Work	350.00
Girls' J.H.A. Work (Ocean Drive)	800.00
Women's Home Demonstration Agent's Office:	
Material	125.00
Office Supplies	75.00

Negro Home Demonstration Agent	2,100.00
Negro Home Demonstration Agent's office help	2,100.00

Provided, that no new personnel, attached to the County Farm Demonstration Agent's Office shall receive the supplement hereinabove provided until they have first worked with such office for a period of at least two years.

Total, Item 10	\$ 7,532.00
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Item 11. Appropriations for Miscellaneous Boards and Commissions:

Horry County Marketing Commission	\$ 10,000.00
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Provided, that out of the above sum appropriated, the Manager of the Horry County Farmers' Market shall receive such sum for salary as authorized by a majority of the legislative delegation, which majority shall include the Horry resident Senator of District 10.

Coastal Carolina Center, University of South Carolina (Scholarship Fund)	5,000.00
Civil Defense	1,200.00

Provided, the funds are to be disbursed only by approval of a majority of the legislative delegation, which majority shall include the Horry resident Senator of District 10.

Travel for Retarded Children	1,800.00
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Total, Item 11	\$ 18,000.00
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Item 12. (A) Health Department Expenditures:

County Health Unit:

Administrative Expenses	\$ 39,748.70
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Provided, that the county health doctor's salary shall remain at \$10,067.00 annually.

For Indigent and needy Cancer and Crippled Children patients	1,000.00
T.B. Association	1,000.00

(B) Welfare Department:

Hospitalization, Foster Boarding Home Children	500.00
Welfare Department Administrative	12,630.00
Telephone Service	850.00

Provided, that this money shall be disbursed only on approval by the governing board of the Horry County Department of Public Welfare.

Vital Statistics 1,200.00

Total, Item 12\$ 56,928.70

Item 13. County Roads and Chain Gang:

Salaries (guards, truck drivers, machine operators, etc.)\$132,490.00

Provided, that each employee shall receive his pay during inclement weather, the same as any other time and shall receive a ten per cent pay increase over that received in the fiscal year 1965-1966, but the Chairman of the County Board of Commissioners may, in his discretion, subscribe Saturday as a work day.

Chain Gang (feeding prisoners, clothing and supplies, etc.) 35,000.00

County Roads 100,000.00

Purchasing new machinery and repairs 40,000.00

For purchase of bridge material 30,000.00

Total, Item 13\$337,490.00

Item 14. Horry County Memorial Library\$ 17,996.23

Provided, that the annual budget shall be approved by a majority of the legislative delegation, which majority shall include the Horry resident Senator of District 10.

To apply on the cost of constructing permanent Library building at Loris 2,000.00

Total, Item 14\$ 19,996.23

Item 15. Horry-Marion-Georgetown Technical Education Center

Operational Expenses\$ 12,000.00

Total, Item 15 \$ 12,000.00

Item 16. Horry-Georgetown Mental Health Clinic\$ 14,000.00

Total, Item 16\$ 14,000.00

GRAND TOTAL\$1,118,302.14

ESTIMATED REVENUES AND AVAIL-
ABLE CREDITS:

Income Tax\$150,483.29

Bank Tax 8,127.72

Beer & Wine Tax 16,128.78

Liquor Tax 79,059.18

Gasoline Tax 230,439.09

Boating Fund 83.75

Insurance License Fees 55,017.15

Fees:

Civil Papers 7,047.32

Treasurer and Tax Collector 11,528.00

Probate Judge 17,648.18

Health Department 2,557.00

Clerk of Court 47,459.60

Fines:

Magistrates 93,782.00

Clerk of Court 17,567.25

Miscellaneous Revenues:

Mobile Homes Licenses, interest income,
back taxes, cost and penalties 61,787.30

Total Estimated Revenue\$793,715.61

TOTAL AMOUNT TO BE RAISED BY

TAXES\$314,586.53

SECTION 2. The County Board of Commissioners is hereby instructed and required to use the money herein appropriated for the purposes specified and for no other purpose, and it is hereby forbidden in any way to overdraw or exceed the appropriation herein made for any purpose whatsoever, except upon the written consent of a majority of the legislative delegation, which majority shall include the Horry resident Senator of District 10. For the items covered in Section 1 of this act, it shall be unlawful for the clerk of the County Board of Commissioners or the Purchasing Agent of Horry County

to draw or sign any warrant or drafts on the county treasurer over-drawing any appropriation or authorization. For the items covered in Section 1 of this act, it shall be unlawful for the Treasurer of Horry County to pay from funds in his hands any amount not covered by the appropriation herein made or authorized by the written consent of a majority of the legislative delegation, which majority shall include the Horry resident Senator of District 10. Any appropriations herein made may be increased or decreased by the written consent of a majority of the legislative delegation, which majority shall include the Horry resident Senator of District 10. *Provided*, that the County Board of Commissioners is hereby required to prorate the amount of money herein appropriated for County Roads and Chain Gang and all other divisions and departments of the county government, except regular salaries which are to be paid monthly, on a quarterly basis, to the end that no department shall expend more than one-fourth of the appropriated funds during any quarterly period of the fiscal year beginning July 1, 1966, and ending June 30, 1967. *Provided*, further, that the amounts appropriated in Item 13 of this act shall be expended only after the written approval and authorization of a majority of the County Board of Commissioners. The County Board of Commissioners shall use as much as may be necessary of the amounts appropriated therein for setting up a road program in Horry County, which program shall be carried out by the chairman under the direction and control of the County Board of Commissioners.

SECTION 3. The jailor and/or matron shall receive no fees for dieting prisoners. The Horry County Police Commission shall have the duty to inspect the Horry County Jail at least once a month to see that it is kept clean at all times and that a jailor or county police officer is on duty at all times. The purchasing agent is authorized to make purchases of all foods, supplies, equipment and any and all things necessary for the proper maintenance of the county jail and the food and clothing of the prisoners therein. The jailor is to act as jailor only, and he shall make no arrests outside of the jail, nor shall be allowed any compensation for the conveyance of prisoners. No person shall receive compensation for conveyance of prisoners.

SECTION 4. The County Board of Commissioners shall employ a certified public accountant (CPA) for the purpose of auditing semi-annually the books and examining the offices of Horry County, including the department of education, department of public welfare, the department of health, the Technical Education Commission, and

the County Board of Commissioners may make payment for such services not to exceed two thousand five hundred dollars, as provided in this act. Each member of the Legislative Delegation from Horry County shall be furnished a copy of the audit by the accountant making it.

SECTION 5. The County Board of Commissioners shall employ some suitable person who shall be designated custodian of the Horry County Courthouse and grounds, the custodian to serve in such capacity at the pleasure of the Board of Commissioners. The custodian shall be charged with the responsibility for all janitor service at the Horry County Courthouse, the Horry County Department of Education Building, the county office building on 4th Avenue, and the Horry County Memorial Library. The custodian of the courthouse and grounds is further charged with the responsibility of maintaining the grounds and protecting the shrubbery and such other duties as may be imposed upon him by the County Board of Commissioners. The custodian shall be given such assistants as the County Board of Commissioners may deem necessary.

SECTION 6. A majority of the legislative delegation, which majority shall include the Horry resident Senator of District 10, may employ a county attorney and pay same an amount not to exceed that provided for this purpose in this act. It shall be the duty of the county attorney to advise all boards, magistrates, and officers of the county and, in addition thereto, it shall be his duty to represent the county in all cases wherein the county's interest is affected, and he shall represent the sheriff's office and the county police in criminal proceedings when called upon.

SECTION 7. Before taking office each magistrate shall give bond in a sum to be fixed by the County Board of Commissioners, conditioned upon the faithful performance of his duties. The premiums on the bonds shall be paid by the county. The magistrates and coroner shall be required to put all material state witnesses under bond as now provided by law, and at least ten days before the meeting of the Court of General Sessions shall lodge all papers pertaining to the court with the clerk of court, except cases which happen within the ten-day period, and cases where defendants have demanded preliminary hearings in writing and for good cause the magistrate has been unable to give a preliminary hearing. It shall be the duty of the sheriff and the chief of the county police to confer with the magis-

trates from time to time, familiarizing themselves with pending cases, attend inquests and see that witnesses are subpoenaed, placed under bond and papers lodged in the clerk's hands as herein provided. The sheriff and the county police shall cooperate with and assist the magistrates in preserving the peace and good order of the community.

SECTION 8. All books, supplies and material purchased under the provisions of this act shall be purchased by the Horry County Purchasing Agent as provided by special act.

SECTION 9. The Auditor of Horry County is hereby required to put the address of the taxpayer on each treasurer's duplicate. The Treasurer of Horry County is hereby authorized and directed to mail to taxpayers notice of taxes due in his office. Both the auditor and treasurer shall pay for the work required in this section from funds provided for clerical help in their respective offices, as provided for by this act. The failure of the treasurer to mail any tax notice shall in no wise relieve the taxpayer of obligation to pay such tax.

No county official or employee who is in any way connected with the levying or collecting of taxes shall bid on any property at any tax sale, direct, indirect, or through a third party. Any violation of this provision shall immediately be brought to the attention of the County Board of Commissioners, and shall be prima facie cause for removal from office upon receipt of a recommendation to that effect by the County Board of Commissioners to the Governor or other proper official, and shall be prima facie for the immediate termination of employment.

SECTION 10. Twenty per cent of the liquor, wine and beer tax allotted to Horry County shall, as received by the treasurer, be paid to the Horry County Memorial Library Commission; the Commission shall use the funds for the operation of the Horry County Memorial Library, for the purchase of equipment, books and other necessities for the Horry County Memorial Library; and for the equipping and purchasing of equipment for the school libraries of Horry County, the funds to be spent and allotted to the libraries as the Library Commission, or a majority thereof, shall determine.

SECTION 11. A majority of the legislative delegation, which majority shall include the Horry resident Senator of District 10, shall employ the Horry County Tax Collector and up to four deputy tax collectors. The tax collector shall receive as compensation in lieu of

salary the sum of one dollar for each execution collected and two per cent commission of all taxes collected. The deputy tax collector shall receive one dollar on each execution collected.

Provided, the Horry County Board of Commissioners shall prescribe the necessary procedure for the keeping of records and making of reports for the office of the tax collector, not otherwise covered by existing law, subject to the approval of a majority of the legislative delegation, which majority shall include the Horry resident Senator of District 10.

SECTION 12. The Clerk of the County Board of Commissioners and the Horry County Purchasing Agent shall furnish to the Horry resident Senator and each member of the house delegation, monthly, a statement in detail showing each expenditure made during the month, for what purpose expended and amount of the expenditure, and the balance remaining in the account from which the expenditure was made. The Clerk of the County Board of Commissioners and the Horry County Purchasing Agent and the Department of Education shall make a written report to each member of the County Board of Commissioners of his activities during the month and proposals that he intends to make to the County Board of Commissioners five days prior to the regular meetings of the County Board of Commissioners.

SECTION 13. The County Board of Commissioners shall furnish to the Horry resident Senator and each member of the house delegation, a statement before the fifteenth day of February of each year, showing its activities during each quarterly period, along with a report of the financial status of the account and any recommendations that it sees fit to make to the delegation. The County Board of Commissioners shall furnish to the Horry resident Senator and each member of the legislative delegation a statement in detail showing a proposed county appropriations act for the following year and also any legislation which it thinks should be enacted.

SECTION 14. No magistrate shall receive any part of fees, compensation or mileage in connection with tax execution warrants except the one dollar allowed him by law. No county official shall receive any fees or compensation unless provided by law.

SECTION 15. The house now owned by Horry County on Second Avenue in the City of Conway, shall be used by the Jailor of Horry County as his residence. No part of the county jail shall be used for residential purposes.

SECTION 16. Any special authorization for county purposes to be hereafter made from the contingent account in Item 9 (B) of Section 1 of this act by the County Board of Commissioners not in excess of one thousand dollars is hereby authorized. Sums in excess of one thousand dollars shall have the approval of a majority of the legislative delegation, which majority shall include the Horry resident Senator of District 10.

SECTION 17. All regular county employees receiving salaries or wages shall be allowed two weeks' leave with pay annually; *provided*, however, that no employee shall be entitled to such leave until he has been employed by the county for a period of twelve consecutive months; *provided*, further that after being employed for twelve consecutive months, such employee shall be entitled to the leave for such twelve month period, and thereafter shall be entitled to such annual leave pro rata with the period of employment; *provided*, further, that annual leave shall not accumulate except for the initial twelve month period of employment. The administrative heads of all departments are hereby instructed and required to arrange their work so that each employee of the county shall be allowed the two weeks' vacation with pay with the least possible inconvenience to the work of the office or department affected. In addition the following legal holidays and no others shall be observed by the employees of Horry County: New Year's Day, Independence Day—July fourth, Labor Day—the first Monday in September, Armistice Day—November eleventh, Thanksgiving Day and Christmas Day. Whenever any of these fall on Sunday, the Monday following is prescribed.

The County Board of Commissioners shall determine the hours and days during which the county offices and various departments of the county will be open for business. It will further determine policy in regard to working hours for county employees.

SECTION 18. The clerk of court shall, after each term of court, make a detailed report to the County Board of Commissioners and the legislative delegation on the amount of jury and witness fees spent for the term of court; *provided*, that only two regular bailiffs shall be employed in Horry County.

SECTION 19. The County Board of Commissioners is hereby instructed to require out of the jurors and witness fees an itemized statement of all disbursements, such statement to be made after each term of court.

SECTION 20. The clerk of court's bond shall be fifty thousand dollars.

SECTION 21. Immediately after magistrate and city courts, all prisoners sentenced to county chain gang shall be transferred to the county jail by the county police or sheriff's deputy serving the court and a deputy sheriff or the county police shall be instructed by the proper authority to transfer city prisoners to county jail on the same day of trial.

SECTION 22. All travel pay hereinabove provided for shall be paid on a monthly basis of not more than one-twelfth of the total amount appropriated therefor. No disbursement therefor shall be made unless a verified itemized statement of the travel involved shall be presented to the County Board of Commissioners for its approval.

SECTION 23. Any new employee filling any position for which funds are appropriated by this act shall receive ten per cent less during the first six months of employment, and five per cent less during the next six months of employment than the amount appropriated for such position. Any person transferring from a lower to a higher paying position shall be considered as a new employee.

SECTION 24. Incorporated municipalities in Horry County shall be exempt from the provisions of Section 5-601 of the 1962 Code, unless the governing body of a municipality by ordinance elects to comply with the provisions of such Code section.

SECTION 25. All acts or parts of acts inconsistent herewith are repealed. If any section or provision of this act shall be held unconstitutional, such holding shall not affect, impair, or invalidate any of the remaining sections or provisions.

SECTION 26. This act shall take effect upon approval by the Governor.

Approved the 13th day of June, 1966.

An Act To Amend Act 656 Of 1965, Relating To The Jasper County Appropriations Act For 1965-1966, So As To Provide That The County Board Of Commissioners May Borrow Five Thousand Dollars.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Act 656 of 1965 amended—Section 28-A added—Jasper County Board of Commissioners may borrow money.—Act 656 of 1965 is amended by adding after Section 28 the following:

“Section 28-A. The County Board of Commissioners of Jasper County may borrow from any lending institution which it deems suitable the sum of five thousand dollars upon such terms and conditions as may be mutually agreed upon between the parties.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 11th day of March, 1966.

(R1103, S733)

No. 1313

An Act To Amend Article 22, Chapter 8, Title 14, Code Of Laws Of South Carolina, 1962, By Adding Thereto New Section 14-400.357, Requiring The Jasper County Development Board To Prepare Comprehensive Area Community Rural Water And Sewer Systems.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 14-400.357 added—Jasper County Development Board to prepare water and sewer systems.—Article 22, Chapter 8, Title 14, Code of Laws of South Carolina, 1962, creating the Jasper County Development Board and specifying powers and duties therefor, is amended by adding thereto a new section which shall be Section 14-400.357, requiring the board to prepare comprehensive plans for area community rural water and sewer systems, as follows:

“Section 14-400.357. The board shall prepare comprehensive plans for area community rural water and sewer systems. The board may accept and disburse in the performance of its functions any funds, grants and services made available by the Federal Government, the State Government, municipal governments within the county, or any private or civic source.

Any area of Jasper County desiring to create a community rural water and sewer system pursuant to plans of the county board shall

be authorized to do so. The area water and sewer system shall function under the direction of an area board which shall be known as the Area Community Rural Water and Sewer System Board. The board shall consist of five members who shall be appointed in the same manner as the members of the county board are appointed for terms of four years. The area board shall have the same authority in relation to the area as the county board has to the county.

Any area board shall be authorized to exercise the power of eminent domain pursuant to Section 17, Article I of the Constitution of South Carolina, 1895, and such power shall be exercised as provided for municipalities in Sections 25-161 to 25-170."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 4th day of May, 1966.

(R1399, H2671)

No. 1314

An Act To Provide For The Levy Of Taxes For Ordinary County Purposes In Jasper County For The Fiscal Year Beginning July 1, 1966, And Ending June 30, 1967; To Provide For The Expenditure Thereof; And To Authorize The Borrowing Of A Sufficient Sum To Meet The Appropriations Made For The Year Beginning July 1, 1965; To Provide For The Closing Of County Offices And To Provide For Liability Insurance Coverage On Certain Motor Vehicles.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. There is hereby levied upon all the taxable property of Jasper County a sufficient number of mills by the auditor from assessment of the property therein which, together with fines, forfeitures and taxes collected by various officers and all income of the county, shall raise the amount herein appropriated and for the purposes herein stated.

Item 1. Roads and Bridges\$ 25,400.00

Provided, that the maintenance and operation of the supervisor's vehicles will be paid from this

account upon the approval of the county board of commissioners.

	Total	\$ 25,400.00
Item 2.	Clerk of Court:	
	Salary, Clerk of Court	\$ 5,857.50
	Salary, Deputy Clerk	2,440.00
	Total	\$ 8,297.50
Item 3.	Sheriff's Office:	
	Salary, Sheriff	\$ 5,857.50
	Two Deputy Sheriffs @ \$4,758.60 each	9,517.20
	Salary, Clerk	2,440.00
	Uniforms for Sheriff and two Deputies	500.00
	Uniform for Jailor	25.00
	<i>Provided</i> , Jailor may wear uniform only during sessions of county court and on out-of-county trips on official business of the Sheriff's office. <i>Provided</i> , county cars shall be for the official use only of the Supervisor, Sheriff and two Deputy Sheriffs, and shall be clearly marked.	
	Vehicle maintenance, operation and insurance..	3,000.00
	Total	\$ 21,339.70
Item 4.	Treasurer's Office:	
	Treasurer's salary—an amount sufficient to supplement the amount provided by the State, so as to make his total salary \$5,857.50	\$ 800.00
	Salary for clerk for Auditor and Treasurer	2,440.00
	Total	\$ 3,240.00
Item 5.	Auditor's Office:	
	Auditor's salary—an amount sufficient to supplement the amount provided by the State, so as to make her total salary \$5,857.50	\$ 800.00
	Total	\$ 800.00
Item 6.	Board of Education:	
	Salary, Superintendent of Education, an amount sufficient to supplement the amount provided by	

	the State, so as to make his total salary	
	\$5,857.50	\$ 200.00
	Salary, Clerk	2,400.00
	Members of Board of Education, eight @ \$453-	
	.20 each	3,625.60
	Travel, Superintendent of Education	900.00
	Total	\$ 7,125.60
Item 7.	Judge of Probate's Office:	
	Salary, Judge of Probate	\$ 5,857.50
	Salary, Clerk	1,223.20
	Total	\$ 7,080.70
Item 8.	Coroner's Office:	
	Salary, Coroner	\$ 679.80
	Total	\$ 679.80
Item 9.	County Board of Commissioners:	
	Salary, Supervisor of Roads	\$ 5,857.50
	Salary, four Commissioners @ \$1,019.70	4,078.80
	Salary, Clerk	1,223.20
	<i>Provided</i> , the county board of commissioners shall assume the responsibility of county roads and bridges in their respective townships and shall program all construction and maintenance.	
	<i>Provided</i> , further, that Gillisonville Square Courthouse grounds shall be maintained and kept up by the Supervisor.	
	Total	\$ 11,159.50
Item 10.	Magistrates and Constables:	
	Magistrate at Ridgeland	\$ 3,478.20
	Constable at Ridgeland	1,620.30
	Magistrate at Hardeeville	2,911.70
	Constable at Hardeeville	1,133.00
	Magistrate at Grays	1,190.20
	Constable at Grays	1,133.00
	Magistrate at Tillman	1,190.20
	Constable at Tillman	1,133.00
	Constables' travel	1,236.00

Provided, that the Constables at Ridgeland and Hardeeville shall receive thirty dollars per month as travel supplement; *provided*, further, that the Constables at Grays and Tillman shall receive twenty dollars per month travel supplement.

Total\$ 15,025.60

Item 11. County Jail:

Salary, Jailor\$ 3,000.00

Provided, Sheriff may use Jailor as Deputy when deemed advisable.

Dieting of prisoners (\$1.50 per day) 2,400.00

Provided, that twenty-four hours shall constitute one day.

Jail Expense 600.00

Total\$ 6,000.00

Item 12. Court Expense:

Court Expenses\$ 2,000.00

Provided, that bailiff and jurors shall be paid seven dollars per day.

Total\$ 2,000.00

Item 13. Health Work:

Health Unit, plus balance from previous year ..\$ 4,594.00

Total\$ 4,594.00

Item 14. Public Buildings\$ 16,500.00

Provided, that no private telephones in private residences will be paid from this account. Any official serving Jasper County whose duties may require long distance calls after office hours will be provided with a credit card issued by the county board of commissioners. *Provided*, further, that \$2,500.00 of this shall be used to pay for renovating court record room.

Total\$ 16,500.00

Item 15. Farm and Home Demonstration Work:

Expense, Home Demonstration Agent	\$ 550.00
Expense, County Agent	550.00
Stenographer for County Home Demonstration and County Agents	715.00
Boys' 4-H Club Work	125.00
Girls' 4-H Club Work and Farm Women's Work	275.00
Demonstration Supplies for Home Demonstra- tion Agent	75.00
Stamps, incidentals and office supplies for County and Home Demonstration Agents	100.00
Corn Contest	100.00

Total\$ 2,490.00

Item 16. County's portion of support to public schools ..\$252,000.00

Provided, that all school budgets will be submitted to the county board of education prior to February first of each year. *Provided*, further, that the county board of education shall advise the delegation of the school needs for each fiscal year prior to March first of each year.

Total\$252,000.00

Item 17. Miscellaneous:

County Attorney	\$ 946.00
<i>Provided</i> , he shall handle all small county cases and advise all county officials, except the Sheriff, on criminal matters.	
County Service Officer, supplement to salary ..	291.50
Janitor, Courthouse and Grounds	2,266.00
Janitor, Agricultural Building, Welfare Office and Health Center	883.30
<i>Provided</i> , that this shall be taken care of by the supervisor.	
Three Forestry Wardens @ \$495.00	1,485.00
<i>Provided</i> , that all wardens receiving this travel must be under the supervision of the Jasper County Forestry Board.	
Travel outside county	300.00

The following county officials, when traveling outside of Jasper County on official business, shall be paid seven cents per mile and expenses; Senator, Representative, Sheriff, Deputy Sheriff, Supervisor, Superintendent of Education, Judge of Probate, Auditor, Treasurer, Clerk of Court, County Attorney and Service Officer. Also, these officials may draw seven dollars per day for expenses when they are out of the county on official business overnight. *Provided*, that all claims are approved by the County Commissioners. *Provided*, further, that prior approval of the Supervisor shall be obtained for the purpose of making trips outside of the county except for law enforcement officers.

Board of Assessors and Equalization	2,750.00
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Secretary, Board of Registration	684.00
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Public Welfare Fund:

Emergency Welfare Fund	1,000.00
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Jasper County Rescue Squad	500.00
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Provided, these funds shall be payable on the order of the County Board of Public Welfare, and no payment shall exceed the sum of \$25.00 to any one family or person.

Attendance Teacher Charity Fund	200.00
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Post Mortems, Inquests and Lunacies	700.00
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Provided, that the Sheriff shall serve civil and criminal papers pertaining thereto. In the event that the Coroner of Jasper County is sick or otherwise disqualified, the Magistrate of Ridgeland shall hold post mortems and inquests without compensation; *provided*, further, that the examining physician shall be paid \$10.00 per examination.

Provided, Coroner's and Magistrates' jurors shall be paid two dollars per day.

Vital Statistics	400.00
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There is hereby appropriated the necessary fund to supplement the cost of operation of the Ridgeland Hospital; *provided*, that the books and rec-

ords of the hospital be audited along with the county books	24,000.00
Physician	300.00
Printing, postage, stationery and advertising ..	4,000.00
State Retirement System	6,000.00
Social Security	4,000.00
Library Fund	3,292.00
National Guard Fund and Janitorial Service..	2,000.00
<i>Provided</i> , such fund shall be used for the payment of fuel, lights and telephone.	
Jasper County Farm Bureau Marketing Commission	200.00
Jasper County Development Board	7,000.00
Bond premiums	800.00
Burial expense, paupers	200.00
<i>Provided</i> , that this expense be approved by the Public Welfare Board.	
Forestry Ranger	353.00
Fire Tower Wardens	847.00
School Lunch Program	2,000.00
<i>Provided</i> , this shall be paid only upon vouchers approved by the school lunch supervisor.	
Hospitalization	6,000.00
<i>Provided</i> , this shall be paid when approved by the Public Welfare Board; and <i>provided</i> , further, that a list of patients and the amount be made available to the Board of Commissioners on or before each first Monday of every month.	
Miscellaneous Contingent Fund	10,000.00
<i>Provided</i> , that this fund shall be used upon written approval of the legislative delegation as it deems necessary to supplement any account except salaries.	
Audit of County Books	2,000.00
Miscellaneous County Fund	1.00
Refund for overpayment of taxes to Holiday Wear, Inc., and Jasper Realty Management Co.	666.05
Total	\$ 86,064.85

Item 18. Civil Defense	\$ 5,500.00
Total	\$ 5,500.00
Item 19. Registration Board, three members @ \$286.00 each	\$ 858.00
Total	\$ 858.00
Item 20. Interest, etc.:	
Interest on county indebtedness	\$ 1.00
Total	\$ 1.00
Item 21. Coastal Empire Mental Health Center	\$ 3,200.00
Total	\$ 3,200.00
Item 22. Secretary, Circuit Court Judge	\$ 300.00
Total	\$ 300.00
GRAND TOTAL	\$479,656.25
Less Estimated Revenues other than Taxes:	
Fines and Licenses	\$ 53,000.00
Income Tax	25,000.00
Beer and Wine Tax	4,000.00
Liquor Tax	12,000.00
Gas Tax (1 cent)	45,000.00
Miscellaneous	15,000.00
Total	\$154,000.00
Amount to be raised by taxation	\$325,656.25

SECTION 2. The township's assessors and members of the county board of equalization shall receive ten dollars per day for the time actually employed and seven cents per mile for necessary travel.

SECTION 3. The supervisor is hereby authorized and required to pay on the first Monday in May to the widows of Confederate Veterans living at that time and residents of Jasper County sixty dollars each.

SECTION 4. The supervisor is hereby prohibited from issuing a check to any magistrate until the magistrate has filed with him a

statement of the names of all parties for whom warrants have been issued during the previous month and the disposition of each and a receipt from the treasurer.

SECTION 5. The County Commissioners shall let bids for the auditing of the county books and of Ridgeland Hospital books and shall award the bid to the lowest competent accountant. The treasurer is hereby empowered to pay for same from the county general fund. *Provided*, that a copy of this audit shall be furnished to each member of the legislative delegation immediately upon completion of the report. The county attorney is to approve the legality of the contract.

SECTION 6. It is hereby made unlawful for the supervisor, the county board or any other officer of the county to exceed the appropriation set forth. If any one overspends an appropriation or spends the appropriation for any purpose not specifically provided herein, it shall be deemed an act of official misconduct and the official so offending shall be forthwith removed from office.

SECTION 7. The clerk of court is hereby authorized and required to pay jurors seven cents' mileage for each day's attendance upon court.

SECTION 8. No claims shall be paid by the supervisor or the county board unless the same are itemized and probated.

SECTION 9. Any county official or employee who falsifies any claim against the county shall be subject to immediate dismissal or removal from office.

SECTION 10. The farm demonstration agent and the home demonstration agent shall be appointed by proper authorities by and with the consent of Jasper County's Legislative Delegation.

SECTION 11. In order to meet the appropriations provided for in this act, the treasurer, supervisor and the county commissioners of Jasper County are authorized and empowered to borrow, as and when needed, such sums as may be necessary, not exceeding a total of thirty-five thousand dollars, and at a rate of interest not exceeding five per cent per annum, to meet the appropriations and expenditures herein made. The officers shall execute notes for Jasper County as evidence of such indebtedness and may pledge the taxes herein levied.

SECTION 12. The Supervisor of Jasper County, before purchasing or placing an order for equipment, material, supplies, goods,

wares or merchandise, or for anything whatsoever needed and used for county purposes in an amount in excess of one hundred dollars, shall have presented the same at a regular meeting of the county board of commissioners and have the approval of a majority of the commissioners.

SECTION 13. The Treasurer of Jasper County, upon the written direction of a majority of the Jasper County Legislative Delegation, is hereby authorized and empowered to lend from any available funds of Jasper County to the county board of education or to any school district in need of funds.

SECTION 14. The county supervisor is hereby authorized to grant up to ten days' annual leave with pay to county employees and up to ten days' annual sick leave with pay, provided the employee is under a doctor's care.

SECTION 15. Any funds accruing to the general fund of the county in excess of the amount appropriated by this act may be transferred to a fund and be utilized for renovation of the jail upon approval of the legislative delegation.

SECTION 16. Should the General Assembly in any subsequent year fail to enact an appropriations act for Jasper County, the appropriations and tax levy herein set forth shall be the appropriations act for such subsequent year for Jasper County.

SECTION 17. Should a deficit result from the appropriations made in the 1965-1966 county appropriations act, there is hereby appropriated a sufficient amount to cover this deficit.

SECTION 18. The Treasurer of Jasper County is authorized upon the written approval of the legislative delegation to borrow such sums as may be necessary to meet the obligations set forth in the county appropriations act beginning July 1, 1966.

SECTION 19. All work on privately-owned property by the supervisor shall have the approval of the full county board of commissioners thirty days prior to such work.

SECTION 20. The Jasper County Delegation may add items and transfer from contingent funds for the payment thereof to subsection Miscellaneous County Fund in the Miscellaneous Section of this act.

SECTION 21. No future county clerk shall receive an annual salary of more than twenty-two hundred dollars per annum during the first fiscal year of his employment.

SECTION 22. All gasoline used by the Sheriff's Department and the County Supervisor will be supplied from a tank at the County Equipment Garage. This tank shall be equipped with individual keys and individual meters so that the Sheriff, two Deputy Sheriffs and the Supervisor will be held responsible for gasoline furnished through their meter. The Supervisor shall present to the County Board of Commissioners a monthly statement of gasoline consumption. In case there should be an emergency on the road, the individuals of these departments are permitted to purchase gasoline and oil and are required to furnish an itemized statement for reimbursement for same.

SECTION 23. Each agency or department of the county receiving appropriated funds under this act shall at the end of this fiscal year file with the Clerk of Court an accounting to the use of such funds. This accounting shall be available for examination or inspection by the citizens of Jasper County.

SECTION 24. Lands owned by the Ridgeland Business Development Corporation and Hardeeville Business Development Corporation in Jasper County shall not be subject to county taxes.

SECTION 25. Prisoners serving time in Jasper County jail may be used by the County Supervisor's office for work on public buildings, grounds and roads upon the approval of the Sheriff.

SECTION 26. The County Board of Commissioners of Jasper County shall determine the cost of license for nonresident fireworks salesmen.

SECTION 27. Upon a favorable vote by a majority of the county officials, county offices, within the discretion of the several department heads, may be closed at 1:00 P. M. on Wednesday or Thursday.

SECTION 28. All persons responsible for the care and maintenance of any motor vehicle registered in the name of Jasper County or any entity of the county shall file with the County Board of Commissioners proof that the vehicle is covered with the minimum liability insurance required by law.

SECTION 29. All county employees not covered by this act shall receive an increase in salary of ten per cent.

SECTION 30. The Jasper County Delegation is empowered to borrow not exceeding fifty thousand dollars from the Division of General Services for county development, and shall execute notes as

evidence thereof, and pledge the taxes herein levied for the payment of the notes. As additional security, the full faith, credit and taxing power of the county is hereby pledged for the payment of the notes. Should there be default in any payment, the State Treasurer shall withhold any state funds accruing to the county and transmit such funds to the Division of General Services.

SECTION 31. This act shall take effect upon approval by the Governor.

Approved the 13th day of June, 1966.

(R1441, H2670)

No. 1315

An Act To Authorize The Treasurer Of Jasper County To Transfer Certain Funds.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Jasper County may transfer funds.—The Treasurer of Jasper County is authorized to transfer the sum of nine thousand five hundred eighteen dollars and six cents from the notes payable account to the general fund account.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 21st day of June, 1966.

(R954, H2178)

No. 1316

An Act Providing For The Creation Of Watershed Conservation Districts In Kershaw County, And The Election Of Directors Of Watershed Conservation Districts And Their Powers And Duties; And Providing For A Levy Of Taxes For The Organization And Administration Of Such Districts, And For The Construction, Operation And Maintenance Of Works Of Improvement Within Such Districts.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Definitions.—Whenever used or referred to in this act, unless a different meaning clearly appears from the context:

(1) "Watershed conservation district" means a governmental subdivision of this State, and a public body corporate and politic, organized in accordance with the provisions of this act, for the purposes, with the powers, and subject to the restrictions hereinafter set forth.

(2) "Director" means one of the members of the governing body of a watershed conservation district, elected in accordance with the provisions of this act.

(3) "Supervisor" means one of the members of the governing body of the Kershaw Soil Conservation District in which any part of a watershed conservation district is situated.

(4) "Petition" means a petition filed under the provisions of Section 4 of this act for the creation of a watershed conservation district.

(5) "County" means Kershaw County of South Carolina.

(6) "Landowner" or "owner of land" includes any person, firm or corporation who shall hold legal or equitable title to any lands lying within a watershed conservation district organized under the provisions of this act.

(7) "Due notice" means notice published at least twice, with an interval of at least one week between the two publication dates, in a publication of general circulation within the appropriate area, or, if no such publication of general circulation be available, notice posted at a reasonable number of conspicuous places within the appropriate area, such posting to include, where possible, posting at public places where it is customary to post notices concerning county or municipal affairs generally.

SECTION 2. Watershed conservation districts may be formed in Kershaw County.—Authority is hereby granted to form watershed conservation districts within Kershaw County for the purpose of developing and executing plans and programs relating to any phase of the control and prevention of soil erosion, flood prevention, or the conservation, development, utilization, and disposal of water.

SECTION 3. Area.—The area embraced in a watershed conservation district must be contiguous and must lie within a well-defined watershed; and such area shall not include lands located within the boundary of any incorporated city or town, or lands embraced in another watershed conservation district.

SECTION 4. Petition for formation.—When twenty-five or more landowners within a proposed watershed conservation district, or, if less than fifty landowners are involved, a majority of such landowners,

desire to form a watershed conservation district, they shall file a petition with the supervisors of the soil conservation district asking that a watershed conservation district be organized to function in the area described in the petition. Such petition shall set forth the proposed name of the watershed conservation district; that there is need, in the interest of the public health, safety, and welfare, for a watershed conservation district to function in the territory described in the petition; a description of the territory proposed to be organized as a watershed conservation district, which description need not be given by metes and bounds or by legal subdivisions, but shall be deemed sufficient if generally accurate; and the approximate number of acres of land included in the proposed watershed conservation district.

SECTION 5. Hearing on petition.—(1) Within thirty days after such petition has been filed with the supervisors of the soil conservation district, they shall cause due notice to be given of a hearing upon the question of the desirability and necessity, in the interest of the public health, safety, and welfare, of the creation of such watershed conservation district. All interested parties shall have the right to attend such hearing and to be heard. If it shall appear at the hearing that other lands should be included in the petition or that lands included in the petition should be excluded, the supervisors shall permit such inclusion or exclusion, provided the land area involved still meets the requirements of Section 3 of this act.

(2) If it appears upon the hearing that it may be desirable to include within the proposed watershed conservation district territory outside of the area within which due notice of the hearing has been given, the hearing shall be adjourned and due notice of a further hearing shall be given throughout the entire area considered for inclusion in the proposed watershed conservation district, and such further hearing shall be held. After final hearing, if the supervisors of the soil conservation district determine, upon the facts presented at the hearing and upon other available information, that there is need, in the interest of the public health, safety, and welfare, for a watershed conservation district to function in the territory considered at the hearing, they shall make and record such determination, and shall define the area, but the description need not be given by metes and bounds. The description shall be deemed sufficient if generally accurate and the approximate number of acres of land included in the proposed watershed conservation district is shown.

(3) If the supervisors of the soil conservation district determine after such hearing that there is no need for a watershed conservation district to function in the territory considered at the hearing, they shall make and record such determination and shall deny the petition.

SECTION 6. Referendum.—After the supervisors of the soil conservation district have made and recorded a determination that there is need, in the interest of the public health, safety, and welfare, for a watershed conservation district to function in the territory considered at the hearing, and have defined the boundaries thereof, they shall consider the question whether the operation of a watershed conservation district within the proposed boundaries with the powers conferred upon it by this act is administratively practicable and feasible. To assist the supervisors in making this determination, they shall, within a reasonable time after the entry of a finding that there is need for the organization of a watershed conservation district and the determination of the boundaries thereof, hold a referendum within the proposed watershed conservation district upon the proposition of the creation of the watershed conservation district. Due notice of the referendum shall be given by the supervisors. Such notice shall state the date of holding the referendum, the hours of opening and closing the polls, and shall designate one or more places within the proposed watershed conservation district as polling places and shall give notice that the directors shall have the power of eminent domain. The supervisors shall have full charge of the referendum and shall have suitable ballots printed and furnished to each polling place; appoint necessary box managers and other referendum officials, and shall canvass the ballots and announce the results. The cost of holding the referendum shall be paid from the general fund of Kershaw County. *Provided*, that notwithstanding any provision of law to the contrary the power of eminent domain shall not be exercised over the protest of any landowner until it is conclusively established that the land proposed to be condemned is absolutely essential to the creation and operation of the soil conservation district.

SECTION 7. Question.—The question to be voted on shall be submitted by ballots upon which appear the words:

“For creation of Watershed Conservation District”

“Against creation of Watershed Conservation District”

A square shall follow each proposition. The ballot shall contain a direction to insert an “X” mark in the square following one or the

other of the propositions as the voter may favor or oppose creation of the watershed conservation district. The ballot shall set forth the boundaries of the proposed watershed conservation district as determined by the supervisors of the soil conservation district. No one except owners of lands lying within the boundaries of the proposed watershed conservation district, as determined by the supervisors of the soil conservation district, shall be eligible to vote in the referendum. Qualified voters may vote by absentee ballot in the referendum under such rules and regulations as may be prescribed by the supervisors. No informalities in the conduct of the referendum or in any matters relating thereto shall invalidate the referendum or the result thereof if notice of the referendum shall have been given substantially as herein provided and the referendum shall have been fairly conducted.

SECTION 8. Results—district to be created if results and determination favorable.—The votes shall be counted by the referendum officials at the close of the polls and a report of the results along with the ballots shall be delivered and certified to the supervisors of the soil conservation district; and thereafter the supervisors shall determine whether the operation of the watershed conservation district within the defined boundaries is administratively practicable and feasible. If the supervisors determine that the operation of such district is not administratively practicable and feasible, they shall record such determination and deny the petition. If the supervisors determine that the operation of such district is administratively practicable and feasible, they shall record such determination and shall proceed with the organization of such district in the manner hereinafter set forth; *provided*, however, that the supervisors shall not have authority to determine that the operation of such district is administratively practicable and feasible unless at least a majority of the votes cast in the referendum upon the proposition of the creation of such district shall have been cast in favor of the creation of such district. If the supervisors shall determine that the operation of such district is administratively practicable and feasible, they shall certify such determination to the Clerk of Court of Kershaw County, the Code Commissioner and to the Secretary of State. Upon proper recordation of such determination, such watershed conservation district shall constitute a governmental subdivision of this State and a public body corporate and politic. After being recorded, such certification shall be filed with the State Soil Conservation Committee.

SECTION 9. Board of directors to govern district—nominating petitions—election—ballots—terms—officers—bond of treasurer.

—(1) The governing body of the watershed conservation district shall consist of five directors, elected as provided herein.

(2) Within thirty days after a watershed conservation district has been created, nominating petitions may be filed with the supervisors of the soil conservation district to nominate candidates for directors of the watershed conservation district. No such nominating petition shall be accepted by supervisors unless it is signed by twenty-five or more landowners within the watershed conservation district, or, if less than fifty landowners are involved, by a majority of such landowners. If the candidates nominated do not exceed the number of directors to be chosen, the supervisors shall declare them to be elected. No person shall be eligible to be a director of a watershed conservation district who is not a landowner in the watershed conservation district in which he seeks election.

(3) If the candidates nominated for directors of the watershed conservation district exceed the number of directors to be chosen, the supervisors of the soil conservation district shall, after having given due notice thereof, cause an election to be held within the watershed conservation district within a reasonable time after the expiration of the nominating period. The provisions of Sections 5, 6 and 7 of this act as to notice, qualifications of voters, absentee voting, and the manner of holding the referendum in organizing a watershed conservation district, shall apply insofar as practicable to the election of the directors. The names of all qualified nominees shall be printed in alphabetical order upon ballots with a square before each name and a direction to insert an "X" mark in the square before any five names to indicate the voter's preference. Only landowners within the watershed conservation district shall be eligible to vote in the election. The five candidates who shall receive the largest number respectively of the votes cast in the election shall be the directors of the watershed conservation district, and shall, upon the supervision of the supervisors of the soil conservation district, be the governing body of the watershed conservation district.

(4) Of the directors first elected, the two receiving the largest number of votes shall serve for terms of four years, the two receiving the next largest number of votes shall serve for terms of three years, and the one receiving the next largest number of votes shall serve for a term of two years. The term of office of each of their suc-

cessors shall be for four years. Any vacancy shall be filled for the unexpired term as provided to original directors.

(5) The directors shall annually designate from among their number a chairman, secretary, and treasurer. The treasurer shall execute an official bond for the faithful performance of the duties of his office, to be approved by the directors. Such bond shall be executed by a surety company authorized to do business in this State and shall be in an amount determined by the directors. The premium on each bond shall be paid by the watershed conservation district.

SECTION 10. District to be corporate body—powers and duties.

—A watershed conservation district organized under the provisions of this act shall constitute a governmental subdivision of this State, and a public body corporate and politic, exercising public powers, and such district and the directors thereof shall, subject to the approval of the supervisors of the soil conservation district, have the following powers, in addition to others granted in other sections of this act:

(1) To acquire, by purchase, exchange, lease, gift, grant, bequest, devise, or otherwise, or through condemnation proceedings in the manner provided in Sections 25-101 through 25-140 and Sections 33-121 through 33-148, Code of Laws of South Carolina, 1962, such lands, easements, or rights-of-way as are needed to carry out any authorized purpose of the watershed conservation district; and to sell, lease, or otherwise dispose of any of its property or interests therein in furtherance of the purposes and provisions of this act;

(2) To construct, reconstruct, repair, enlarge, improve, operate, and maintain such works of improvement as may be necessary or convenient for the performance of any of the operations authorized by this act;

(3) To borrow money and to execute promissory notes and other evidences of debt in connection therewith for payment of the costs and expenses of organizing the watershed conservation district for carrying out any authorized purpose of such district, and if promissory notes are issued, to execute such mortgages on any property owned by such district, or assign or pledge such revenues or assessments of such district as may be required by the lender as security for the repayment of the loan; and to issue, negotiate, and sell its bonds as provided in Section 11 of this act;

(4) To levy an annual tax on the real property within the district subject to the limitations provided in Section 13 of this act for pay-

ment of the costs and expenses of organizing the watershed conservation district or for carrying out any authorized purpose of such district. Such levy shall be made only after approval by the supervisors of the soil conservation district and upon notifying the county auditor.

SECTION 11. Bonds not to be issued unless referendum held.—

(1) Bonds authorized by Section 10 of this act shall not be issued until proposed by order or resolution of the directors of the watershed conservation district, specifying the purpose for which the funds are to be used and the proposed undertaking, the amount of bonds to be issued, the rate of interest they are to bear, and the amount of any necessary tax levy in excess of the maximum authorized in Section 13 of this act. A copy of the order or resolution shall be certified to the supervisors of the soil conservation district.

(2) The supervisors shall hold a hearing on such proposal after having given due notice. If it appears that the proposal is within the scope and purpose of this act and meets all other requirements of the law, the proposal shall be submitted to the landowners of the district by a referendum held by the supervisors.

(3) The provisions of Sections 5, 6 and 7 of this act as to notice, qualifications of voters, absentee voting, and manner of holding the referendum in organizing a watershed conservation district shall apply to the referendum held under this section.

(4) If two-thirds of the votes cast in such referendum favor the proposal, the directors shall, with the approval of the supervisors, be authorized to issue such bonds.

SECTION 12. Compensation.—The directors of the watershed conservation district shall receive no compensation for their services, but they may be reimbursed for expenses, including traveling expenses, necessarily incurred in the performance of their duties as approved by the supervisors of the soil conservation district.

SECTION 13. Budget—tax levy.—Within the first quarter of each calendar year, the directors of the watershed conservation district shall prepare an itemized budget of the funds needed for administration of the watershed conservation district and for construction, operation and maintenance of works of improvement. After approval of such budget by the supervisors of the soil conservation district, the county auditor shall levy a tax sufficient to meet such budget on all real property within the watershed conservation district of not to exceed five mills on each dollar of assessed valuation, except that this limitation shall

not apply to any levy necessary to provide a sinking fund for the retirement of bonds authorized by Section 11 of this act. A copy of such budget shall be certified to the Auditor of Kershaw County.

SECTION 14. List of landowners and acres subject to assessment.—(1) The directors of the watershed conservation district with the assistance of the county auditor shall prepare a list of the landowners involved showing the number of acres subject to assessment.

(2) When the property tax rolls are delivered to the county treasurer by the county auditor, as required by law, the county treasurer shall compute the tax due the watershed conservation district from each landowner in accordance with the rate fixed by the directors and the value of the real property indicated on the tax roll. The computation shall be made on the regular tax bills.

SECTION 15. Collection of taxes.—(1) The county treasurer shall collect the taxes due the watershed conservation district at the same time and in the same manner as he collects other taxes of the county.

(2) The taxes shall be subject to the same due and delinquency dates, discounts, penalties and interest as are applied to the collection of county taxes.

SECTION 16. Expenditures.—Tax funds collected shall be transferred to and held by the treasurer of the watershed conservation district for the specific purpose for which they have been collected. All expenditures of such funds shall be made by the directors of the watershed conservation district with the approval of the supervisors of the soil conservation district.

SECTION 17. Petition to have lands detached.—The owners of lands which have not been, are not and cannot be benefited by their inclusion in the watershed conservation district may petition the supervisors of the soil conservation district to have such lands detached. The petition shall describe such lands and state the reasons why they should be detached. A hearing shall be held by the supervisors within thirty days after the petition is filed and due notice of such hearing shall be given by the supervisors. If it is determined by the supervisors that such lands shall be detached, such determination shall be certified to the Auditor of Kershaw County for recording. After being recorded, the certification shall be filed with the State Soil Conservation Committee.

SECTION 18. Petition for discontinuance of district—hearing—referendum—discontinuance if election and determination favorable.—(1) At any time after five years after the organization of a watershed conservation district, twenty-five or more landowners within such district, or if less than fifty landowners are involved, a majority of such landowners, may file a petition with the supervisors of the soil conservation district asking that the existence of the watershed conservation district be discontinued. The petition shall state the reasons for discontinuance, and that all obligations of the watershed conservation district have been met. The supervisors may conduct such hearings upon the petition as may be necessary to assist them in the consideration thereof.

(2) Within sixty days after petition has been filed with the supervisors they shall give due notice of the holding of a referendum. The supervisors shall hold such referendum substantially as provided for in Section 11 of this act. The question shall be submitted by ballots upon which the words "For terminating the existence of the Watershed Conservation District" and "Against terminating the existence of the Watershed Conservation District" shall be printed, with a square before each proposition and a direction to insert an "X" mark in the square before one or the other of the propositions as the voter may favor or oppose the discontinuance of such watershed conservation district. Only landowners within the watershed district shall be eligible to vote in such referendum. No informality in the conduct of the referendum or in any matters relating thereto shall invalidate the referendum or the results thereof if notice of the referendum shall have been given substantially as herein provided and the referendum shall have been fairly conducted.

(3) The supervisors shall publish the results of the referendum and shall thereafter determine whether the continued operation of the watershed conservation district is administratively practicable and feasible. If the supervisors determine that the continued operation of the watershed conservation district is administratively practicable and feasible, they shall record such determination and deny the petition. If the supervisors determine that the continued operation of the watershed conservation district is not administratively practicable and feasible, they shall record such determination and shall certify such determination to the directors of the watershed conservation district; *provided*, however, that the supervisors shall not be

authorized to determine that the continued operation of the watershed conservation district is administratively practicable and feasible unless at least a majority of the votes cast in the referendum shall have been cast in favor of the continuance of the watershed conservation district.

(4) Upon receipt from the supervisors of a certification that they have determined that the continued operation of the watershed conservation district is not administratively practicable and feasible, the directors shall forthwith proceed to terminate the affairs of the watershed conservation district. A copy of the determination shall be certified to the Auditor of Kershaw County for recording. After being recorded, the certification shall be filed with the State Soil Conservation Committee.

SECTION 19. Supervisory authority if district discontinued.—

If the Kershaw Soil Conservation District is discontinued, all supervisory authority over the affairs of the watershed conservation district which was previously exercised by the supervisors shall thereafter be exercised by the governing body of Kershaw County.

SECTION 20. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 31st day of March, 1966.

(R1012, S695)

No. 1317

An Act To Authorize The County Board Of Commissioners Of Kershaw County To Borrow Not Exceeding Seven Hundred Fifty Thousand Dollars For Construction Of New School Facilities In Kershaw County, And To Provide For The Payment Of The Loan.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Kershaw County may borrow money—interest—payment.—The County Board of Commissioners of Kershaw County is hereby authorized to borrow not exceeding seven hundred fifty thousand dollars from the Division of General Services, or any other lending agency, at the lowest interest rate available, for the purpose of constructing new school facilities in Kershaw County. The indebtedness shall be evidenced by notes signed by the chairman of the board and the county treasurer. The indebtedness shall be repaid

upon such terms as the borrower and lender may agree, not to exceed five years or four per cent interest.

For the payment of the indebtedness, the full faith, credit and taxing power of the county are irrevocably pledged, and the county auditor and county treasurer are directed to levy and collect annually a sufficient sum to pay the principal and interest thereon.

Should the monies be borrowed from the Division of General Services and should there be default in any payment, the State Treasurer is directed to withhold any funds accruing to the county and to transmit them to the Division of General Services.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 22nd day of April, 1966.

(R1288, S758)

No. 1318

An Act To Amend Act 658 Of 1965, Relating To A Bond Issue For The Construction Of A County Courthouse in Kershaw County, So As To Increase The Amount Of The Bond Issue.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 1 of Act 658 of 1965, amended—increase amount of bond issue—Kershaw County courthouse.—Section 1 of Act 658 of 1965 is amended on line three by striking “seven hundred fifty thousand” and inserting “one million” and on line seven by striking “seven hundred fifty thousand” and inserting “one million”. The section when amended shall read as follows:

“Section 1. The County Board of Commissioners of Kershaw County is authorized to issue not exceeding one million dollars of general obligation bonds of the county for the purpose of constructing and equipping a new county courthouse. The bonds shall be issued either as a single issue or from time to time as several separate issues not to exceed one million dollars.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 8th day of June, 1966.

(R1302, S787)

No. 1319

An Act To Authorize The Governing Body Of Kershaw County To Borrow Not Exceeding Three Hundred Thousand Dollars To Be Used For Ordinary County Purposes And To Provide For The Payment Of The Loan.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Kershaw County may borrow money.—The Governing Body of Kershaw County is authorized to borrow not exceeding three hundred thousand dollars to be used for ordinary county purposes from the Division of General Services, or any other lending agency, at the lowest interest rate available. The indebtedness shall be evidenced by notes signed by the chairman of the governing board and the county treasurer. The indebtedness shall be repaid upon such terms as the borrower and lender may agree, not to exceed four years or four per cent interest.

For the payment of the indebtedness, the full faith, credit and taxing power of the county are irrevocably pledged, and the county auditor and county treasurer are directed to levy and collect annually a sufficient sum to pay the principal and interest thereon.

Should the monies be borrowed from the Division of General Services and should there be default in any payment, the State Treasurer is directed to withhold any funds accruing to the county and to transmit them to the Division of General Services.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 8th day of June, 1966.

(R1332, H2751)

No. 1320

An Act Authorizing The Board Of Directors Of Kershaw County To Convey Certain Property To The Board Of Trustees For The School District Of Kershaw County.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Kershaw County may convey property.—The Board of Directors of Kershaw County is hereby authorized to convey, for a consideration of five dollars, to the Board of Trustees for

the School District of Kershaw County for public school purposes the following property:

All that piece, parcel or tract of land, lying and being situate approximately two (2) miles Northeast of the City of Camden, Kershaw County, South Carolina, containing Thirty and Forty-seven Hundredths (30.47) acres, and having such shape, metes, courses and distances as shown on that plat by H. R. Oliver, R. L. S., dated April 26th, 1966, and recorded in the office of the Clerk of Court for Kershaw County, and is bound as follows: NORTH by property of the City of Camden, as shown on said plat; NORTHEAST by property, believed to be of Long, and by property of Hudson, as shown on said plat; SOUTHEAST by property of the Farm Bureau of Kershaw County and by property of the City of Camden, as shown on said plat; SOUTHWEST by property of the City of Camden, and by property of Kershaw County.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 1st day of June, 1966.

(R1343, H2203)

No. 1321

An Act To Make Appropriations For The Operating Expenses Of Kershaw County For The Fiscal Year 1966-1967, And To Provide For The Expenditure Thereof.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. A tax sufficient to meet the appropriations in this act to be raised by a levy upon all the taxable property of Kershaw County is hereby levied on such property for ordinary purposes for the fiscal year beginning July 1, 1966, and ending June 30, 1967, and shall be expended as herein provided, the amount of such levy to be determined by the auditor and treasurer of the county upon the approval of a majority of the legislative delegation, or after January 1, 1967 by the county council. The funds accruing to the county from the State on account of any other taxes paid over by the State, or any department of the State government for general county purposes, are likewise appropriated along with the funds received from such levy.

SECTION 2. The county auditor and treasurer are also directed to levy a tax sufficient to raise an amount sufficient to retire the principal and interest due on the county hospital bonds, together with an amount not to exceed the proceeds of a six mill levy to be utilized to defray the general operating expenses of the Kershaw County Memorial Hospital, including cost of charity care, such levy to be approved by the delegation, or after January 1, 1967 by the county council.

SECTION 3.

Item 1. Administrative Department:

A. Auditor's Office:

(1) Salary of Auditor (County's Portion)	\$ 3,305.68
(2) Deputy Auditor	3,638.25
(3) Clerk to Auditor	3,444.21
Travel for Auditor, if so much be needed	20.00

Total	10,408.14
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B. Treasurer's Office:

(1) Salary of Treasurer (County's portion)	3,305.68
(2) Deputy Treasurer	3,638.25
(3) Extra Clerk (6 months)	1,576.54
(4) Travel for Treasurer	50.00

Total	8,570.47
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C. Tax Collector's Office:

(1) Salary, Tax Collector	5,119.51
(2) Travel, Tax Collector	1,200.00
(3) Clerk to Tax Collector	3,444.21

Total	9,763.72
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D. Board of Directors Office:

(1) Clerk to Board of Directors	7,644.32
(2) Assistant to Clerk	4,608.45

Total	12,252.77
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Total, Item 1	\$ 40,995.10
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Item 2. Judicial Department:

A. Clerk of Court:

(1) Salary (Clerk to Circuit Court and Register of Mesne Conveyance)	\$ 7,882.87
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(2) Deputy Clerk of Court	3,638.25
(3) Salary (two additional clerks), \$3,444.21 each ..	6,888.42

Total	18,409.54
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B. Master:

(1) Salary of Master	2,640.00
Salary of Master as Judge of Juvenile-Domestic Relations and Special Court	6,710.00
(2) Secretary to Master and Judge, Salary	3,638.25
(3) Additional Secretarial Assistance for Master ..	1,200.00
(4) Office Rent	600.00
(5) Miscellaneous	500.00

Total	15,288.25
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C. Court of General Sessions and Common Pleas:

(1) Jurors, witnesses, bailiffs and court crier	10,000.00
<i>Provided</i> , bailiffs, jurors, clerk for probation officer and court crier shall be paid eight dollars per day for each day actually engaged in duties.	
(2) Supplement to Fifth Circuit Court Reporter ...	700.00
(3) Supplement to Assistant Court Reporter	400.00
(4) Assistant Solicitor	1,200.00
(5) Investigator for Solicitor	600.00
(6) Kershaw County Probation Officer, Salary supplement	440.00
<i>Provided</i> , that the Probation Officer shall be available to assist the Judge of the Juvenile- Domestic Relations and Special Court as may be required by the Judge thereof.	

Total	13,340.00
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D. Probate Judge:

(1) Salary, Probate Judge	7,882.87
(2) Salary, Deputy Probate Judge	3,638.25
(3) Clerk to Probate Judge	3,153.15

Total	14,674.27
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E. Magistrates:

(1) Salaries:	
Magistrate for DeKalb Township	5,214.82
Magistrate for Town of Kershaw	2,425.50

Magistrate for Flat Rock Township	1,185.03
Magistrate for Buffalo Township	1,843.38
Magistrate for West Wateree Township	2,571.03

Provided, that the Magistrate for DeKalb Township shall keep same office hours as other courthouse officials.

<i>Provided</i> , that all Magistrates may draw up to ten dollars a month each for office rent when office is not provided in a county building	480.00
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Total	13,719.76
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F. County Attorney:

(1) Salary	600.00
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Provided, however, the County Attorney's salary shall be in lieu of all fees, except those approved by a majority of the legislative delegation, or after January 1, 1967 by the county council.

Provided, further, the County Attorney shall be elected by a majority of the legislative delegation, or after January 1, 1967 by the county council, for a period of one year.

Total	600.00
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G. Office of Coroner:

(1) Salary	1,843.38
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(2) Inquest stenographer, if so much be needed	100.00
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Provided, the stenographer shall be paid at the rate of \$5.00 per inquest.

Total	1,943.38
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Total, Item 2	\$ 77,975.20
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Item 3. Law Enforcement:

A. Sheriff's Office:

(1) Salary of Sheriff	\$ 7,882.87
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(2) Salary of Chief Deputy Sheriff	5,481.63
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(3) Clothing allowance for Deputy Sheriff	175.00
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Total	13,539.50
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B. Sheriff's Deputies:

(1) Salaries, Eleven Deputy Sheriffs	43,659.00
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(2) Uniforms, Deputy Sheriffs	1,800.00
(3) Ammunition and Supplies	100.00
(4) Deputy Sheriffs' automotive expense	15,000.00
(5) Purchase of Four Police Cars	8,500.00
<i>Provided</i> , that this sum shall be reduced by the amount received from the sale of used police cars.	
(6) Additional Expense for Sheriff's Deputies, to be expended upon approval of Sheriff	7,965.90
(7) Clerical help—DeKalb Magistrate and Sheriff's Office	3,153.15

Total	80,178.05
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C. Jail Expense:

(1) Operation of Jail, if so much be needed	3,000.00
(2) Jailor	2,571.02

Total	5,571.02
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Total, Item 3	\$ 99,288.57
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Provided, that all expenditures authorized herein shall be subject to the approval of the County Board of Directors and after January 1, 1967 the county council and shall be in accordance with such accounting systems, procedures, rules and regulations, as they may specify.

Item 4. Public Works:

A. Board of Directors:

(1) Four Directors—salaries and expense	\$ 9,702.00
(2) Superintendent of Maintenance	6,354.81
(3) Five Patrol Operators	23,648.62
(4) One Loader & dozer operator	4,729.72
(5) Two Guards	9,459.45
(6) One yard man & clerk	4,729.72
(7) One mechanic	5,408.86
(8) One chief truck driver	3,620.92
(9) One night watchman	3,274.42

Provided, the balance of the one cent gasoline tax refunded Kershaw County shall be expended upon the approval of the board of directors, or after January 1, 1967 by the county council, if so much be needed, for the operation and mainten-

ance of the Kershaw County Chain Gang and for supplies and equipment.

Total	70,928.52
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B. Janitors:

(1) Salary of Janitors at Courthouse and Agriculture Building	4,220.37
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Total	4,220.37
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C. Miscellaneous:

(1) Telephone (all officers)	3,000.00
(2) Printing, postage, stationery and supplies, if so much be needed	7,500.00
(3) Public Building Maintenance, lights and water	10,000.00
(4) Equipment Account	2,000.00

Total	22,500.00
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D. Insurance:

(1) On prisoners	500.00
(2) Bond premiums	1,000.00
(3) Workmen's Compensation premiums	2,500.00
(4) Insurance, County Motor Vehicles	1,471.87

Provided, that the above monies shall be spent only on approval of the County Board of Directors.

(5) Retirement and Social Security Payments for County Employees	37,100.00
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Total	42,571.87
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Total, Item 4	\$140,220.76
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Item 5. Health Department	\$ 40,332.00
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Provided, the above amount shall be expended in accordance with the budget submitted by the County Health Officer, as approved by the Kershaw County Legislative Delegation, or after January 1, 1967, by the county council.

Provided, further, all amounts expended for salaries and actual travel shall be paid by claims submitted by the Health Officer.

	Insect Control	4,205.70
	Painting Kershaw Health Center	933.00
	Total	45,470.70
	Total, Item 5	\$ 45,470.70
Item 6.	For participation in Sumter-Clarendon-Kershaw County Mental Health Program	\$ 7,000.00
	Total	7,000.00
	Total, Item 6	\$ 7,000.00
Item 7.	Military :	
	A. Service Officer (Salary)	\$ 4,959.45
	(1) Office Rent	420.00
	(2) Office Expense, Telephone and out-of-town travel	480.00
	Total	5,859.45
	B. Kershaw Guards	850.00
	<i>Provided</i> , that the above sum shall be expended for upkeep, maintenance and repair on the Ker- shaw County Armory; and <i>provided</i> , further, that the Armory shall be made available to the Camden Hospital Auxiliary and Junior Welfare League for functions at a rental not to exceed \$25.00 per night.	
	Total	850.00
	Total, Item 7	\$ 6,709.45
Item 8.	Farm Aid :	
	A. Salary Subsistence :	
	(1) Farm Agent	\$ 720.00
	(2) Assistant Agent	520.00
	(3) Home Agent	840.00
	(4) Assistant Home Agent	520.00
	(5) Clerk	720.00
	Total	3,320.00

B. Assistance for Colored Farmers:

(1) Farm Agent (Salary)	720.00
(2) Home Agent (Salary)	1,770.00
(3) Clerk	1,440.00

Total	3,930.00
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C. Miscellaneous Farm Aid:

(1) 4-H Club Work	350.00
(2) Kershaw County Chapter of Future Home- makers of America	100.00
(3) Council of Farm Women	250.00
(4) Demonstration Material for Home Agent (White)	125.00

Total	825.00
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D. Supplement to salary of four County Fire

Wardens	2,400.00
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Total	2,400.00
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Total, Item 8	\$ 10,475.00
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Item 9. Welfare:

A. County Welfare Board, to be kept at the rate of

ten dollars per meeting attended	\$ 360.00
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Travel for workers	700.00
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Total	1,060.00
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B. Camden and Kershaw County Children's Home

3,000.00

Provided, above shall be spent at a rate of \$1.50 per day for child care of indigent children of Kershaw County, and the above sums shall be paid semiannually upon certification by the president and secretary of the Margaret C. Mayfield Home that care and maintenance were actually rendered for the number of days for which claim is made.

Total	3,000.00
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County Poor	3,500.00
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Provided, that this amount shall be spent by the Welfare Department, subject to the advice of the

County Board of Directors and after January 1,
1967 the county council.

Total	3,500.00
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Total, Item 9	\$ 7,560.00
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Item 10. Tax Assessor's Office:

(1) Tax Assessor's Salary	\$ 6,930.00
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(2) Clerks to Tax Assessor (3)	9,459.45
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(3) Travel for Tax Assessor	900.00
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(4) Field men for Tax Assessor (Salary)	14,872.00
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(5) Travel for field men	1,560.00
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(6) Maps and other expenses	2,400.00
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Total	36,121.45
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Total, Item 10	\$ 36,121.45
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Item 11. Libraries:

A. County Library:

(1) Acting Head Librarian, Salary	\$ 3,395.70
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(2) Assistant Librarian, Salary	2,789.32
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(3) Clerical Assistant, Salary	2,668.05
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(4) Operation of Bookmobile, gas, oil, tires and repair	250.00
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(5) Books and Binding and Mending	2,500.00
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(6) Office Supplies	75.00
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(7) Insurance	195.00
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(8) Travel	25.00
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Total	11,898.07
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B. DeKalb Negro Branch:

(1) Salary for Librarian	2,959.11
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(2) Books and Supplies	1,500.00
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Total	4,459.11
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C. Bethune Library	600.00
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D. Kershaw Memorial Library	300.00
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Total	900.00
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Total, Item 11	\$ 17,257.18
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Item 12. Miscellaneous:

A. Contingent Fund	\$ 5,000.00
To be spent only if approved by a majority of the County Legislative Delegation and after Jan- uary 1, 1967 by the county council.	
Total	5,000.00
B. For merit raises to county clerical employees as provided in Section 7, if so much be needed	18,020.00
Total	18,020.00
C. Audit	1,500.00
Total	1,500.00
D. Secretary to Delegation	600.00
Total	600.00
E. Chamber of Commerce	2,000.00
Total	2,000.00
F. County Rescue Squad	500.00
Bethune Rescue Squad	500.00
Total	1,000.00
G. Recreation Commission, City of Camden	5,000.00
Total	5,000.00
H. Sumter, Kershaw, Clarendon and Lee County Technical Education Center	4,000.00
Total	4,000.00
I. Camden Civil Air Patrol	500.00
Total	500.00
J. For Capital Improvements to Airport	21,000.00
Total	21,000.00
Total, Item 12	\$ 58,620.00

Item 13. Park and Recreation Commission:

A. Kershaw County Park (White):

(1) Life Guards	\$ 3,184.60
(2) Labor	3,200.00
(3) Materials, Equipment	1,000.00
(4) Gas, Oil, Repairs, Tires	800.00
(5) Lights	280.00
(6) Telephone	230.00
(7) Insurance, Misc.	150.00
(8) Superintendent Salary	5,544.00

Total	14,388.60
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B. Pickett-Thomas Memorial Park (Colored):

(1) Caretaker Salary and Golf Course Worker	3,600.00
(2) Supervisor and Clerk	600.00
(3) Lifeguards	1,875.00
(4) Material and Equipment, Lights, Telephone, etc.	1,500.00
(5) Well—Golf Course	2,800.00
(6) Tractor	1,000.00

Total	11,375.00
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Total, Item 13	\$ 25,763.60
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Provided, that the Kershaw County parks are for the use of Kershaw County citizens only and the use by any person other than a citizen and resident of Kershaw County shall be in the discretion and upon such terms as the respective Park Boards shall prescribe.

Plus unitemized one-cent gasoline tax	69,071.48
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GRAND TOTAL	\$642,528.49
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Estimated Revenues and Available Credits:

Magistrates' Fines	\$ 65,000.00
County Officers' Fees	25,000.00
Beer and Wine Tax	12,500.00
Liquor Tax	45,000.00
Gas Tax	145,000.00
Insurance Fees	30,000.00
Tax Collector	7,000.00

Bank Tax	6,500.00
Income Tax	70,000.00
County Service Officer	4,959.45
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Total Estimated Revenues and Available Credits	\$410,959.45
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Total amount to be raised by taxation	\$231,569.04

SECTION 4. The sheriff and any other police officer shall receive in addition to their regular salaries, actual expenses excluding mileage, when called beyond the limits of the county on official business such as searching for fugitives, conveying prisoners to the State Reformatory, to the State Penitentiary, etc. The sheriff shall also receive fifty cents per meal for dieting each prisoner for each meal consumed while the prisoner is detained in the county jail or otherwise in his custody. *Provided*, however, that the above expenses shall be paid only when a notarized statement is filed with and approved by the County Board of Directors and after January 1, 1967 by the County Council.

SECTION 5. The Magistrates of Kershaw County are hereby required to enter all cases brought before them on their docket and to show on such dockets what disposition is made of each case, and shall enter on such dockets all costs which may be assessed against the parties of such case, and shall collect the same and shall pay over to the County treasurer monthly all fines and costs in criminal cases which may have been collected by them and shall submit their dockets to the board of county directors and after January 1, 1967 to the county council monthly for audit. *Provided*, however, that no magistrate in Kershaw County shall be paid his monthly salary until the above section has been complied with on or before the tenth day of each month.

SECTION 6. The appropriations herein made for salaries of the various county officers and other county employees shall be paid to such officers and employees in semimonthly installments upon individual claims to be submitted to the county board of directors and after January 1, 1967 the county council. The clerk of such board is hereby authorized to issue checks in payment of all claims for which a specific appropriation is made. *Provided*, however, that all salaries appropriated are in lieu of all fees. *Provided*, further, that all lump sum appropriations shall be payable after December 15, 1965.

SECTION 7. Clerical employees, other than elected officials who have had at least fifteen years or more of satisfactory service in the employ of the county shall receive a supplement of fifty dollars per month. *Provided*, that any such employees with more than ten years of satisfactory service shall receive a supplement of forty dollars per month. *Provided*, further, that any such employees with more than five years of satisfactory service shall receive a supplement of thirty dollars per month. *Provided*, further, that any such employees with more than one year of satisfactory service shall receive a supplement of twenty dollars per month. *Provided*, further, that Sheriff's Deputies, and Farm and Home Agents and their employees shall be included in this section.

SECTION 8. The County Board of Directors and after January 1, 1967 the County Council are authorized in their discretion to enter into a contract to provide group life and group medical care insurance for county employees, and their dependents, with any reputable insurance company authorized to do business in South Carolina.

SECTION 9. It shall be unlawful for any county official or employee to use any automobile, truck, tractor, gasoline or oil, or other property belonging to the county, except for county purposes. The county board of education is hereby authorized and directed to furnish school bus transportation for all activities of the 4-H Boys and Girls, Vocational and Agricultural Boys, Home Economics Girls and Junior Homemakers of America in attending inter and intra county meetings pertaining to their respective endeavors. It shall further be unlawful for any county official to authorize, permit or cause to be permitted any work of a private nature by county employees, county equipment or convict labor. The chairman of the County Board of Directors and after January 1, 1967 the County Council shall be responsible for the enforcement of this provision and any violation thereof shall cause the person responsible to forfeit double the reasonable value of the work or labor expended, said amount to be deducted by the chairman of the County Board from any salary or other money due the said county official or employee. Any person knowingly receiving or accepting any work by county forces with or without convict labor shall be liable for damages in the amount of three times the value of the labor or services received, said amount to be recovered in any court of competent jurisdiction together with reasonable attorney fees.

SECTION 10. If circumstances arise, which, in the judgment of a majority of the Kershaw County Legislative Delegation and after January 1, 1967 the County Council, require the expenditure of a greater amount than herein provided for any purposes, or should, in the judgment of a majority of the delegation and after January 1, 1967 the county council, the affairs of Kershaw County increase the expenditure of funds for purposes not mentioned in this act and above enumerated, the delegation or a majority thereof and after January 1, 1967 the county council shall have and are hereby given the right, by resolution, to increase the amount appropriated in any item and may also appropriate funds for purposes not mentioned or referred to in this act, which resolution or resolutions shall be filed with the Clerk of the County Board of Directors and after January 1, 1967 with the County Council for expending the funds thus appropriated; and the county board of directors and after January 1, 1967 the County Council may borrow, if necessary, such amounts as may be required to make such increase or additional appropriations and may pledge the full faith and credit of Kershaw County for the payment of the amount so borrowed.

SECTION 11. All purchases of all county departments shall be made by the County Board of Directors and after January 1, 1967 the County Council and all expenditures are to be approved by the Board and after January 1, 1967 by the County Council. The Board and after January 1, 1967 the County Council may require such systems of vouchers and accounting as they may see fit.

SECTION 12. The Kershaw County Board of Education is authorized and directed to prepare a budget for the operation of the Kershaw County schools for the fiscal year beginning July 1, 1966 and ending June 30, 1967, which budget shall be effective when approved by a majority of the Kershaw County Delegation and after January 1, 1967 by the County Council. The budget shall include a salary for the Superintendent of Education; *provided*, that the budget shall include an incentive pay schedule as recommended by the Kershaw County Education Association and approved by the county board of education and the legislative delegation and after January 1, 1967 by the county council; and *provided*, further, that the budget shall include a sum to pay expenses and per diem of the Kershaw County Board of Education and a sum to supplement the administrative personnel of the superintendent of education's office including the attendance teacher and the school lunchroom supervisor. *Pro-*

vided, further, that the county board of education is hereby authorized and directed on or before the commencement of the 1966-1967 school term to establish by natural boundaries, as nearly as feasible, the school attendance areas of each school of Kershaw County. Each child of the county shall attend the school attendance area in which he or his parent or guardian resides, except by the permission of the trustees of the attendance area in which he resides and the permission of the trustees of the area in which he seeks admission; *provided*, further, that any child which attended a school in a school attendance area other than that in which he resided during the school years 1963-1964 and 1964-1965 may continue to attend such school if he or his parent or guardian so desires. *Provided*, that the County Board of Education may in its discretion approve a plan or plans whereby teachers may on a voluntary basis have a portion of their salaries withheld for the purpose of paying the premium on an annuity contract or contracts.

SECTION 13. All materials, supplies or equipment shall be purchased for all departments of the county by the county board of directors and after January 1, 1967 by the County Council after having advertised for and received bids for the same. Such materials, supplies and equipment shall be requisitioned by each department in writing at least thirty days in advance of their requirements. No voucher for the payment of any purchase in excess of five hundred dollars shall be honored by the county treasurer unless the clerk of the board of directors and after January 1, 1967 the county council shall certify in writing that the purchase was made after having received public bids for such commodity unless the transaction is approved by the unanimous vote of the Kershaw County Board of Directors and after January 1, 1967 by the County Council. *Provided*, that the county board and after January 1, 1967 the county council may authorize the clerk to prepare and sign vouchers for any appropriations made hereunder, which vouchers shall be honored by the treasurer.

SECTION 14. The Board of Trustees of the Kershaw County Memorial Hospital shall have the right to formulate a retirement plan for employees of the Kershaw County Memorial Hospital and to withhold on a voluntary basis a portion of the salaries of hospital employees for the purpose of participation in the retirement plan or for the payment of premiums on an annuity contract for such employees.

SECTION 15. Members of all boards and commissions of Kershaw County shall receive seven cents per mile for travel in attendance of all meetings.

SECTION 16. All prior actions or disbursements taken or made, as a result of any resolution or action by the Legislative Delegation from Kershaw County, are hereby validated, ratified, confirmed and declared to be legal and binding.

SECTION 17. This act shall take effect upon approval by the Governor.

Approved the 1st day of June, 1966.

(R1415, H2752)

No. 1322

An Act To Authorize The Kershaw County Board Of Directors To Convey Certain Property To The City Of Camden In Kershaw County.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Kershaw County may convey property.—The Kershaw County Board of Directors is authorized to convey, by way of gift, the following :

All that certain piece, parcel or tract of land about two (2) miles Northeast of the City of Camden in the County of Kershaw and State of South Carolina, containing twenty-one and four-tenths (21.4) acres, more or less, and having such shape, metes, courses and distances as shown on a plat of said premises by H. R. Oliver, Surveyor, dated February 22, 1966, and of record in the office of the Clerk of Court for Kershaw County, and bounded NORTHWEST and NORTHEAST by other property of Kershaw County, of which these premises were formerly a part and also bounded NORTHEAST by property of Kershaw County Farm Bureau; SOUTHEAST by property of Kershaw County Farm Bureau, and by property of the Estate of J. H. Burns; and SOUTHWEST by other property of the Grantee, being that airport known as "Woodward Field."

The foregoing property is the major portion of that shown as Tract No. 2 and a part of that shown as Tract No. 1 on a plat by A. B. Boykin, Surveyor, dated January 2, 1963 and of record

in the office of the Clerk of Court for Kershaw County in Plat Book 27 at page 87, said Tract No. 2 having been conveyed to Kershaw County by deed of City of Camden, dated January 29, 1963 and of record in the office of the Clerk of Court for Kershaw County in Deed Book GT at page 552, and the City of Camden's undivided one-half ($\frac{1}{2}$) interest in said Tract No. 1 having been conveyed to Kershaw County by said deed, Kershaw County having previously acquired an undivided one-half ($\frac{1}{2}$) interest in said premises by that deed of W. B. Fort, dated September 22, 1943 and recorded in said office in Deed Book CX at page 410.

This conveyance is made with the stipulation and agreement, as agreed by the City of Camden by the acceptance of the deed, that the within described premises is conveyed to the Grantee for the purpose of the use thereof for airport purposes in connection with the operation of "Woodward Field" as an airport, and if no longer used or subject to use for such purposes, the City of Camden shall reconvey to Kershaw County the within described premises.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 8th day of June, 1966.

(R1102, S726)

No. 1323

An Act To Provide That The Lancaster County Board Of Education And The Lancaster County Board Of Directors Shall Convey All Of Lancaster County's Interest In Certain Property To The First Presbyterian Church Of Lancaster, South Carolina.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Lancaster County may convey property to First Presbyterian Church.—The Lancaster County Board of Education and the Lancaster County Board of Directors shall convey all of the county's right, title and interest in the following described property to the Board of Deacons of the First Presbyterian Church of Lancaster, South Carolina: All of that certain piece, parcel, lot or tract of land situate, lying and being in Lancaster County having the following measurements and boundaries:

Beginning at point in center line of Spruce St. and Northern R/W line of Catawba St., such point being the SE corner of a parcel of land deeded to Lancaster County Board of Education by Columbia Compress Company as shown on a plat made by R. H. Iseley dated April, 1966 and recorded in Plat Book 17 at page 17, running thence N 23-44 W 582.88', thence N 16-07 W 52.52', thence N 19-21 E 62.32', thence N 58-28 E 70.38', thence N 66-20 E 358.68' to the Western margin of North Main St., all of preceding courses being along center line of Spruce St., thence with Western margin of North Main St. S 23-32 E 33', thence S 66-20W 383.33' with R/W of Spruce St., thence S 58-28 W. 41.37' with R/W of Spruce St., thence S 19-35 E 557.93', thence S 70-25 W 33', thence S 19-35 E 97.63' to the point of beginning, such parcel herein conveyed being labeled as parcels no. 2 and no. 3 on plat above-referred to, such parcels being subject to a 33' R/W from the center line of Spruce St. in Easterly and Southerly direction.

SECTION 2. Consideration.—The consideration for the conveyance shall be five dollars and other valuable consideration.

SECTION 3. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 4th day of May, 1966.

(R1226, S750)

No. 1324

An Act To Authorize The Board Of Directors Of Lancaster County To Borrow Not Exceeding One Hundred Thousand Dollars For The Purpose Of Purchasing Certain Property And For Constructing Additional Facilities For The County Health Center And To Provide For The Payment Of The Loan.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Lancaster County may borrow money.—The County Board of Directors of Lancaster County is authorized to borrow not exceeding one hundred thousand dollars for the purpose of purchasing certain property adjacent to property now owned by the County of Lancaster situate in the City of Lancaster and for constructing additional facilities for the county health center, and for

that purpose is authorized to issue and sell negotiable notes at either public or private sale. The amount to be borrowed for each purpose shall be subject to the written approval of a majority of the legislative delegation, including the Senator. The notes shall be executed on behalf of the Lancaster County Board of Directors by the chairman of the board and by the Treasurer of Lancaster County. The notes shall bear interest at a rate not exceeding four per cent from the date thereof, such interest to be paid annually, and the notes shall provide that they may be anticipated in whole or in part on any anniversary date thereof. The notes shall be sold for not less than par and accrued interest, and final maturity date thereof shall not be longer than six years from the date thereof.

SECTION 2. Payment.—For the payment of the principal and interest of the notes, the full faith, credit and taxing power of Lancaster County is irrevocably pledged.

SECTION 3. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 14th day of May, 1966.

(R1408, H2673)

No. 1325

A Joint Resolution Proposing An Amendment To Section 5 Of Article X Of The Constitution, Relating To The Limit Of Bonded Indebtedness Of Certain Political Subdivisions, So As To Permit The School District Of Lancaster County To Incur Bonded Indebtedness Up To Twenty-Five Per Cent Of The Assessed Value Of The Taxable Property Therein, And To Exclude Such Indebtedness From The Limitation Of Aggregate Indebtedness Upon Any Territory In The County.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Amendment to Article X, Section 5, State Constitution proposed—bonded indebtedness—Lancaster County.—There is proposed the following amendment to Section 5 of Article X of the Constitution of this State: add at the end of the section the following proviso: "*Provided*, that the limitations as to bonded indebtedness imposed by this section shall not apply to the bonded indebtedness of the School District of Lancaster County

and the school district may incur bonded debt to the extent of not exceeding twenty-five per cent of the assessed value of all taxable property therein. Bonded debt incurred by the School District of Lancaster County within the twenty-five per cent limitation herein created shall not affect or limit the power of other political subdivisions or municipal corporations, covering or extending over any portion of the territory of the school district, to incur bonded indebtedness."

SECTION 2. Submission to electors.—The proposed amendment shall be submitted to the qualified electors at the next general election for representatives. Ballots shall be provided at the various voting precincts with the following words printed or written thereon: "Shall Section 5 of Article X of the Constitution of this State be amended so as to permit the School District of Lancaster County to increase its bonded indebtedness up to twenty-five per cent of the assessed value of the taxable property therein and to exclude such indebtedness from the limitation of aggregate indebtedness upon any territory in the county?"

In favor of the amendment ☐

Opposed to the amendment ☐

Those voting in favor of the amendment shall deposit a ballot with a check or cross mark in the square after the words 'In favor of the amendment,' and those voting against the amendment shall deposit a ballot with a check or cross mark in the square after the words 'Opposed to the amendment'."

Ratified the 20th day of May, 1966.

(R1409, H2682)

No. 1326

An Act To Provide For The Levy Of Taxes For Ordinary County And Road Purposes For The Fiscal Year July 1, 1966, To July 1, 1967, And To Provide For The Expenditure Thereof In The County Of Lancaster; And To Provide Further For The Fiscal Affairs Of The County.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. A sufficient tax, not to exceed seventy mills, less the estimated revenue to be received by Lancaster County, in 1966, to

pay the appropriations hereafter made, the amount of such millage to be determined by the county auditor, after consulting with the members of the Lancaster County Legislative Delegation, is hereby levied upon all the taxable property of Lancaster County for county purposes for the fiscal year beginning July 1, 1966, and ending June 30, 1967.

SECTION 2. The fee for witnesses in the Court of General Sessions shall be three dollars per day and mileage, as now provided by law.

SECTION 3. The fee for bailiffs, grand and petit jurors and court criers in the Court of General Sessions and Court of Common Pleas shall be eight dollars per day and mileage, as now provided by law.

SECTION 4. Public Works\$155,000.00

The Board of Directors is hereby authorized and directed to pay the Supervisor an annual salary of \$6,600.00 per year.

The above appropriation shall be expended for the maintenance of county chain gang, road construction, road maintenance, road equipment, repairs to equipment, materials and supplies for road construction and maintenance, chain gang supplies, and salaries of all personnel employed by the Board of Directors or the Road Supervisor, including the salary of the Road Supervisor. The services of the Supervisor cannot be terminated without the approval of a majority of the legislative delegation, including the Senator. The board shall also employ a janitor for the county courthouse and office building at such salary as the board may direct, same to be paid from the general county fund. The board shall furnish all necessary supplies needed for janitorial service. The appropriation in this section shall be expended upon warrants approved by the county board of directors. All personnel employed for road construction, road maintenance and chain gang employees shall be employed by the County Road Supervisor and shall receive such salaries as the board of directors shall provide. The above sum in Section 4 of this act for salaries and road maintenance includes the amount to be received from the one cent gasoline tax. The County Board of Directors of Lancaster County is not forbidden to expend in any one quarter of the year for road and bridge purposes a sum in excess of one-fourth of the total amount appropriated in this appropriations act, as prohibited in Section 33-1761, Code of Laws of South Carolina, 1962. The county board of directors is hereby authorized and directed to use whatever money it may receive by reason of the rental or sale of any equipment or

commodities produced by it for county or ordinary purposes, as now provided by law; *provided*, however, that such sum shall not be deducted from the appropriations made in this appropriations act. In addition to the appropriation provided in this section, any and all monies received by the county board of directors from the South Carolina State Highway Department by reason of construction contracts entered into between Lancaster County and the State Highway Department shall be expended by the board of directors for any of the purposes set out above. Of the amount appropriated, \$2,800.00 shall be used for Christmas bonuses.

Law Enforcement

Salaries:

Sheriff	\$ 5,500.00
Expenses of Sheriff	1,800.00
6 Deputy Sheriffs @ \$341.00	24,552.00
Expenses, 6 Deputy Sheriffs, \$900.00	5,400.00
2 Lieutenants @ \$357.50	8,580.00
Expenses 2 Lieutenants @ \$75.00 per month to cover telephone, meals out of town, laundry, etc., in performance of duty	1,800.00
Radio operator and part-time deputy	3,188.00
Expenses, radio operator and part-time deputy	900.00
Special Deputy Sheriffs	648.00
Special Deputy Sheriffs, extra occasions	200.00
Clerk (1), to be paid directly to the clerk em- ployed	3,600.00
Expenses, Clerk	420.00
Jailer	1,524.00
2 Deputy Sheriffs @ \$323.40	7,761.60
Expenses for 2 Deputy Sheriffs	1,800.00

Total

\$ 67,673.60

Expenses:

Operating jail, including per diem for feeding and maintenance, or so much as may be neces- sary	\$ 9,000.00
Maintenance and new equipment Sheriff's au- tomobiles and radios, or so much as may be neces- sary	10,000.00
Record books, forms and postage, or so much as may be necessary	300.00

Uniforms for Sheriff's officers, if so much be necessary	3,500.00
Supplies and returning of prisoners	500.00
Trading of automobiles and purchase of one new automobile, including radios, etc.	5,750.00
Total	\$ 29,050.00

MAGISTRATES:

Gills Creek Township	\$ 2,420.00
Hire of Clerk	3,600.00
Constable, Gills Creek Township	2,310.00
Kershaw	858.00
Constable, Kershaw	671.00
Buford Township	660.00
Constable, Buford Township	495.00
Cedar Creek Township	660.00
Constable, Cedar Creek Township	495.00
Cane Creek Township	1,200.00
Constable, Cane Creek Township	1,800.00
Indianland Township	660.00
Constable, Indianland Township	561.00
Pleasant Hill Township	550.00
Contable, Pleasant Hill Township	495.00
Flat Creek Township	550.00
Constable, Flat Creek Township	495.00
Waxhaw Township	660.00
Constable, Waxhaw Township	495.00
Total	\$ 19,635.00

COUNTY DIRECTOR'S OFFICE:**Salaries:**

Chairman of Board	\$ 1,320.00
Directors (6) @ \$1,188.00	7,128.00
Secretary	4,400.00
Travel expense for 7 directors to be paid at the rate of \$150.00 per year	1,050.00
Travel expenses for the Chairman of the board for a year	600.00
Clerk to Board, to be paid directly to clerk employed	1,188.00

Expenses of Clerk	300.00
Special Secretary to Tax Collector, Treasurer and Board of Directors	3,600.00

Total\$ 19,586.00

AUDITOR'S OFFICE:

Salary in addition to the portion paid by the State under the General appropriations act and expenses for County Auditor	\$ 2,860.00
Travel and expenses for Auditor	1,800.00
Clerk to County Auditor, to be paid directly to clerk employed	3,600.00
Equalization Board	1,300.00
Supplies and new equipment	75.00
Additional clerk	3,600.00

Total\$ 13,235.00

COUNTY TREASURER'S OFFICE:

Salary in addition to the amount to be paid by the State under the General Appropriations Act and expenses for County Treasurer	\$ 2,530.00
Clerk to Treasurer, to be paid directly to clerk employed	3,600.00
To compensate for extra work and mailing out tax notices	1,200.00
Supplies	1,250.00

Total\$ 8,580.00

CLERK OF COURT'S OFFICE:

Salary	\$ 660.00
Salary to secretary for Clerk of Court	3,600.00
Postage, record books, office supplies and print- ing, or so much as be necessary	3,000.00

Total\$ 7,260.00

PROBATE JUDGE:

Clerk to Probate Judge, to be paid clerk em- ployed	\$ 3,600.00
Postage, record books, printing and office sup- plies, or so much as may be necessary	1,000.00

For Lunacy Proceedings, if so much be necessary	500.00
Total	\$ 5,100.00
COUNTY ATTORNEY:	
Salary	\$ 1,452.00
Total	\$ 1,452.00
COUNTY CORONER:	
Salary—Coroner	\$ 1,430.00
Stenographer, when necessary, not to exceed \$15.00 per inquest	150.00
Printing and official blanks	25.00
Travel Expense for coroner, not to exceed \$400.00	400.00
Total	\$ 2,005.00
FARM AND COUNTY AGENT'S DEPARTMENTS:	
County Agent	\$ 1,620.00
Assistant County Agent	587.00
Home Demonstration Agent	650.00
Negro Agriculture Agent	476.00
Home Demonstration Supplies	50.00
Demonstration Supplies, Co. Agent	50.00
Stamps and Incidentals, Co. Agent	50.00
Stenographer, County Agent	1,100.00
Boys' and Girls' Club Work	100.00
Colored Home Demonstration Agent, Supplies	50.00
Colored Agriculture Agent Demonstration Supplies	50.00
Salary, Colored Home Demonstration Agent	797.00
Clerical Help, Negro Home and Agriculture Agents	1,200.00
Colored 4-H Club Work, Boys and Girls	100.00
Total	\$ 6,880.00
Quail Project (To be expended upon the approval of the legislative delegation, including the Senator)	660.00
Total	660.00

FORESTRY RANGERS:

Expenses and supplemental salaries	\$ 2,670.00
Total	\$ 2,670.00

COUNTY NURSING HOME:

Support of inmates and medical supplies, hospitalization and miscellaneous expenses (if so much be necessary)	\$ 2,000.00
Total	\$ 2,000.00

HEALTH CENTERS:

For operation of Health Centers in Lancaster County, including salary supplements, travel, etc.	\$ 23,478.00
Total	\$ 23,478.00

VITAL STATISTICS AND POST MORTEMES

Total	\$ 300.00
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COURT EXPENSES:

Jurors, Witnesses, Bailiff	\$ 10,000.00
Stenographer, Parole Office	300.00
Total	\$ 10,300.00

SERVICE OFFICER:

Salary and Expenses of Service Officer	\$ 4,770.70
Travel, Service Officer	1,200.00
Salary, Clerk to Service Officer	3,600.00
Total	\$ 9,570.70

DEPARTMENT OF PUBLIC WELFARE:

Child Welfare and Emergency assistance	\$ 2,000.00
3 Directors @ \$13.75 per month	495.00
Expenses, Janitor	120.00
Salary Adjustment	981.00
Total	\$ 3,596.00

JUVENILE COURT:

Judge, Salary	\$ 5,720.00
Secretarial Help	3,300.00
Probation Officer	5,720.00
Travel (Probation Officer)	600.00
Clerk	3,300.00

Total\$ 18,640.00

Provided, all fees collected by the Juvenile Court shall be submitted to the county treasurer quarterly.

MISCELLANEOUS:

Lancaster County Rescue Squad	\$ 500.00
Rural Fire Fighting Units	18,000.00
Workmen's Compensation, Rural Firemen	1,300.00
Liability Insurance—Sheriff's cars and county trucks and cars	2,200.00
Insurance on Public Buildings	2,000.00
Workmen's Compensation Insurance	2,200.00
Premium on Blanket Employees' Bond and Bonds of County Officials	1,000.00
Boiler Insurance Premiums	800.00
Telephone and Service Tolls for County Offices	5,000.00
Lights, water, fuel and maintenance of county office building and courthouse	6,500.00
Water service, Marion Sims Hospital	1,500.00
Salary, County Minister	1,200.00
Salary, County Physician	1,800.00
County's Contributions, Retirement System	9,575.00
Police Retirement System	7,000.00
Salary for Secretary, County Board of Registration	660.00
Lancaster County's portion for the institution and operation of a mental health clinic to serve the Counties of York, Chester and Lancaster ..	10,000.00
National Guard Unit at Lancaster	650.00
Tuberculosis for film	600.00
Kershaw Public Library	1,000.00
Rental, A. S. C.	870.00
Tax Collector	3,960.00
Expenses, Tax Collector	400.00

Civilian Defense Program	2,600.00
Salary for Clerk and Bookkeeper at Chain Gang	2,400.00
Expenses	2,040.00
Children's Home (Rent)	1,800.00
Civil Air Patrol (Lancaster)	300.00
Civil Air Patrol (Kershaw)	300.00
Historical Commission and maintenance of historical sites	500.00
Industrial Development Board to be approved by a majority of the Lancaster County Legislative Delegation, including the Senator	1,500.00
Secretarial help, postage, etc. for Circuit Judge	750.00

Total	\$ 90,905.00
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GRAND TOTAL	\$497,576.30
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Less Estimated Revenue Other Than Taxes:

Gasoline Tax	\$170,000.00
Insurance License Fees	26,000.00
County Service Officer	5,021.00
Alcoholic Liquors, Beer and Wine Tax and Income Tax	140,300.00
State Bank Tax	21,138.00
Library Fund	1,500.00
Fines and Forfeitures	77,000.00
Miscellaneous	1,000.00
Rent from Nursing Home	9,000.00
Fees from Juvenile Court	4,000.00

Total	\$454,959.00
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Amount to be raised by Taxation	\$ 42,617.30
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Any sums not expended from the appropriations herein set forth, together with any surplus remaining over and above the total appropriations, shall be placed in the general fund of the county.

SECTION 5. The county board of directors is hereby authorized to set aside out of the road fund such sum of money as, in its judgment, may be required in the interim between the regular monthly meetings for use in meeting weekly payrolls for labor, and to pay for freight, express and repairs for machinery, and the county treasurer is hereby authorized to make disbursements out of such special fund only on

itemized claims of the chairman of the county board, which claims shall be regularly filed by the county treasurer with the county board of directors for formal approval by a majority thereof; the approval or disapproval shall be recorded in the minutes of the board. The board is authorized and directed to pay the expenses of the audit authorized by the board for the past fiscal year. All claims must be made out and listed separately.

SECTION 6. The jailor, under supervision of the sheriff, is hereby required to pay all operating expenses of the jail, except that per diem for dieting prisoners, hereinafter provided for, and except water, rents, fuel and electric lights.

The above salary of the sheriff shall be in full for all services rendered the county, including the summoning of juries for the court of general sessions and common pleas; jailor to receive, in addition to his salary, fifty cents for each commitment and fifty cents for each discharge.

SECTION 7. The county board of directors is hereby authorized to pay the salaries of the county officers, magistrates and constables monthly; *provided*, the county board of directors shall not in any event appropriate or expend in excess of the amounts herein appropriated; *provided*, further, that the salaries of the clerks employed by the superintendent of education in his office shall be paid out of the county board of education funds.

SECTION 8. It shall be unlawful for any county official or employee to use any automobile, truck, tractor, gasoline or oil, or other property belonging to the county, except for county purposes.

SECTION 9. The board of directors is hereby authorized and directed to maintain telephone service in the following offices: county director's office; sheriff's office; treasurer's office; auditor's office; probate judge's office; clerk of court's office; department of public welfare; magistrate's, at Gills Creek Township, office; county health department office; county service officer; juvenile court; tax collector; probation officer; T. B. Association; Red Cross; home demonstration agent; civil defense; colored agriculture agent; county jail; and the Armory. *Provided*, that no long distance telephone calls shall be made from any telephone furnished by the county except for official calls made in connection with the particular office. Telephone service for superintendent of education's office is to be paid from funds

allotted to schools. Each county official in whose office a telephone is maintained shall certify monthly to the board of directors that all long distance calls made from his office were for official county business. The payment of all long distance calls shall be approved by the county board of directors.

SECTION 10. The county board of directors is hereby empowered and directed, upon the written authority of the Senator, and at least one member of the House of Representatives from Lancaster County, to have an audit made of each county office for the fiscal year beginning July 1, 1965. An amount sufficient to defray the cost of such audit is hereby appropriated out of the general funds of Lancaster County. All such audits are to be made by a certified public accountant.

SECTION 11. Each and every magistrate in Lancaster County is hereby required to file with the county board of directors each month a report showing the name of each party for whom a warrant was issued; the amount of fines collected; sentences given; the cases appealed to the circuit court and the cases sent up to the circuit court. It shall be unlawful for the county board of directors to issue pay warrants to any magistrate until such report is filed.

SECTION 12. The County Board of Directors of Lancaster County is hereby authorized, empowered and directed, with the approval of the Senator and at least one member of the House of Representatives from Lancaster County, to borrow money for such public purposes as may be necessary, and to irrevocably pledge the levies and the faith, credit and taxing power of Lancaster County for the payment of all monies which may be borrowed hereunder.

SECTION 13. Any appropriation, expenditure or money borrowed or other acts made by the county board of directors under the authority of the Lancaster County Appropriations Act authorized by written authority of the Senator and one member of the Lancaster County Legislative Delegation are hereby validated.

SECTION 14. A tax of forty-nine mills is hereby levied upon all taxable property in Lancaster County for school purposes. This money shall be used to pay salaries, heat, lights, water and all county-wide expenses. After estimated countywide expenses are budgeted, the balance of the estimated income from this tax and all other sources shall be distributed as follows: The following schools shall be allotted two thousand dollars each to be used as the area superintendents

and as local boards see fit: Buford High School, Flat Creek High School, Indianland High School, Heath Springs High School, Hillside High School, Kershaw High School, Lancaster Junior High School, Barr Street High School and Lancaster Senior High School. The remainder of the estimated income shall be allocated to the various school areas on a per pupil basis. Each area shall prepare a breakdown of its budget and present it to the county board of education for approval. *Provided*, that every area superintendent shall keep an itemized record of all receipts and disbursements and shall file the same with the county board of education prior to July 1, 1967. The above records shall be signed by the area superintendent and a majority of the trustees, including the chairman.

SECTION 15. It shall be unlawful for the board of directors or supervisor of roads for Lancaster County to offer for sale or dispose of any property or equipment of any kind having a value of five hundred dollars, or more, without first obtaining the written approval of a majority of the legislative delegation, including the Senator. The supervisor of roads is hereby authorized to purchase any emergency repairs or equipment where the item so purchased does not cost in excess of five hundred dollars. All major items or heavy road-working equipment is to be purchased by majority approval of the board after obtaining written authorization from a majority of the legislative delegation, including the Senator.

SECTION 16. In order for the county to participate in Federal funds or other sources of funds for the construction and equipping of a health center or centers, and the right to acquire land for the same, the county board of directors shall provide the necessary legal authority for the board, through its chairman, to apply through the State Board of Health for Federal funds to assist in the construction and equipping of such health center or centers, and for the purchase of necessary land or acquire the necessary land by gift, devise or otherwise.

The authority granted shall enable the proper person or persons to legally apply and enter into agreements or contracts for Federal or other funds. It is further provided that if any funds are received, they shall be deposited in the county treasury and shall be paid out in accordance with the plans, agreements and contracts authorized to be entered into for such financial assistance as may be available.

All such acts herein authorized shall be in accordance with Public Law 725 of the 79th Congress of the United States entitled "Hospital

Survey and Construction Act” and the “State Hospital and Licensing Act” and regulations issued under the authority of the same.

SECTION 17. Any or all funds received by Lancaster County under the provisions of the General Appropriations Act for the State of South Carolina for the fiscal year 1966-1967 for school purposes shall be used to defray costs of the budget for the Lancaster County schools for the year 1966-1967. In preparing the school budget for the school year 1966-1967, the county board of education is hereby authorized and directed to pay to all school teachers in Lancaster County not less than one thousand dollars. *Provided*, that no teacher, administrator, superintendent or principal shall draw for the year 1966-1967 less than fifty dollars increase over the 1965-1966 county supplement.

SECTION 18. An amount of fifteen thousand dollars—Lancaster, ten thousand; Heath Springs, five hundred; and Kershaw, one thousand five hundred is hereby appropriated for parks and playgrounds; *provided*, that each town, by taxation, matches dollar for dollar the funds appropriated by the county; also any county community project approved by a majority of the delegation, including the Senator.

SECTION 19. Six hundred dollars is hereby appropriated for the Lancaster County Board of Health to be used for the purpose of operating a dog pound in the county.

SECTION 20. If circumstances arise which, in the judgment of the Lancaster County Legislative Delegation, or a majority thereof, including the Senator, require the expenditure of a greater amount than hereinabove provided for any purpose, or should in the judgment of the delegation, or a majority thereof, including the Senator, the interest of Lancaster County require the expenditure of funds for purposes not mentioned in this act and above enumerated, then the delegation, or a majority thereof, including the Senator, shall have, and is hereby given the right by resolution to increase the amount appropriated for any item, and may also appropriate funds for purposes not mentioned or referred to in this act, which resolution shall be filed with the Board of County Directors for Lancaster County as its authority for expending the funds thus appropriated, and the board of directors may borrow, if necessary, such amounts as may be required to meet such increases or additional appropriations, and may pledge the full faith and credit of Lancaster County for the payment of the amounts so borrowed.

SECTION 21. One-half mill of the board of education's tax levy shall be used for establishing and helping to finance the branch of the Extension Division of the University of South Carolina established in Lancaster County.

SECTION 22. The total amount of taxes levied for the fiscal year 1966-1967 shall not exceed seventy mills as follows: county bonds and notes, five and one-half mills, county ordinary; school bonds and notes, ten mills, schools; parks and playgrounds, one mill, county ordinary; school operation, forty-nine mills, schools; higher education commission, one-half mill, schools; library, one and one-half mills, county ordinary; and county ordinary, two and one-half mills.

SECTION 22A. In the event the one and one-half mills to be levied for library purposes does not amount to at least seventy cents per capita, such amount as may be necessary to increase this capita to seventy cents shall be appropriated from the general fund of the county.

SECTION 23. All special funds accruing to Lancaster County because of a surplus in the General Fund of the State which is allocated on a per pupil basis shall be placed by the treasurer in a special contingent fund. Expenditures from this fund shall be made only upon a favorable vote of a majority of the county board of education with the approval of a majority of the legislative delegation, including the Senator.

SECTION 24. The clerk and bookkeeper for chain gang and Lancaster County Road Department shall have the following duties: keep records of all vehicle expense, records of all material bought and received, issue materials and parts, keep records of all materials bought in the building and construction of roads and records of all labor used on contract roads. He shall make a monthly report to the county board of directors.

SECTION 25. The board of directors shall be authorized to spend an amount up to five thousand dollars to initiate and promote watershed programs through the soil conservation commission.

SECTION 26. The Board of Directors is hereby authorized, with the approval of a majority of the county legislative delegation, including the senator, to trade certain property situated in Kershaw, South Carolina, with the Kershaw Cotton Oil Company.

SECTION 27. This act shall take effect upon approval by the Governor.

Approved the 13th day of June, 1966.

(R1411, H2735)

No. 1327

An Act To Provide That The Lancaster County Board Of Education And The Lancaster County Board Of Directors Shall Convey All Of Lancaster County's Interest In Certain Property To Henry L. Montgomery.

Whereas, the General Assembly desires to correct the inequity imposed upon Henry L. Montgomery when a portion of his property was inadvertently paved during the course of the paving of Spruce Street in the City of Lancaster. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Lancaster County Board of Education and Lancaster County Board of Directors shall convey land.—The Lancaster County Board of Education and the Lancaster County Board of Directors shall convey all of the county's right, title and interest in the following described property to Henry L. Montgomery:

All that piece, parcel or lot of land lying and situate in the City of Lancaster, County of Lancaster, State of South Carolina, at the intersection of Catawba and Spruce Streets beginning at the northeast intersection of the above named streets and running along the center line of Spruce Street; North 19-35 West 97.63 feet to an iron pipe; thence North 70-25 East 33 feet to an iron pipe; thence South 19-35 East 123.88 feet to Catawba Street; thence North 71-05 West 42.17 feet to the beginning point. Being bound on the North by lands of the First Presbyterian Church (formerly lands of the Columbia Compress Company), East by lands of Henry L. Montgomery (formerly lands of McIlwain), South by Catawba Street, and on the West by Spruce Street.

SECTION 2. Consideration.—The consideration for the conveyance shall be five dollars and other valuable consideration.

SECTION 3. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 8th day of June, 1966.

(R1429, H2736)

No. 1328

An Act Authorizing Lancaster County To Borrow Not Exceeding One Hundred Thousand Dollars For A Reassessment Program And To Provide For The Payment Of The Loan.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Lancaster County may borrow money.—The County Board of Commissioners of Lancaster County, with the approval of the majority of the legislative delegation, including the Senator, is authorized to borrow not exceeding one hundred thousand dollars from the Division of General Services or other sources under such terms and conditions as may be agreed upon by both parties but not to exceed four per cent interest rate. The money shall be used to begin implementation of the court-ordered reassessment of property program.

SECTION 2. Payment if borrowed from Division of General Services.—Should the money be borrowed from the Division of General Services and should there be default in any payment, the State Treasurer is directed to withhold any funds accruing to the county and to transmit such funds to the Division of General Services. The full faith, credit and taxing power of the county are hereby irrevocably pledged for the payment of the loan, and there shall be levied and collected annually a tax in an amount sufficient to pay each installment with interest.

SECTION 3. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 8th day of June, 1966.

(R821, S550)

No. 1329

An Act To Provide For The Transfer Of Ten Thousand Dollars From The General Fund Of Laurens County To The Contingent Fund, Part Of Which Shall Be Used For The Payment Of Salaries Of Deputy Sheriffs At Joanna, And The Remainder For General County Purposes.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Laurens County to transfer funds.—The sum of ten thousand dollars is hereby transferred from the General Fund of Laurens County to the Contingent Fund, four thousand four hundred dollars of which is to be used for the payment of the salaries of deputy sheriffs at Joanna and the remainder to be used for general county purposes. This appropriation is made necessary as a result of the change of policy by Greenwood Mills at Joanna concerning the salaries of deputy sheriffs at Joanna.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 2nd day of March, 1966.

(R837, S523)

No. 1330

A Joint Resolution Proposing Amendments To Section 5 Of Article X Of The Constitution Of South Carolina, 1895, Relating To The Limit Of Bonded Indebtedness Of Certain Political Subdivisions, So As To Permit School Districts Nos. 55 And 56 Of Laurens County To Incur Bonded Indebtedness Up To Sixteen Per Cent Of The Assessed Value Of The Taxable Property Therein.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Amendment to Article X, Section 5, State Constitution, proposed—bonded indebtedness of School District 55 of Laurens County.—There is proposed the following amendment to Section 5 of Article X of the Constitution of this State: add at the end of the section the following proviso: "*Provided*, that the limitations as to bonded indebtedness imposed by this section shall not apply to School District No. 55 of Laurens County and the school district may incur bonded indebtedness for school purposes to an amount not exceeding sixteen per cent of the assessed value of all taxable property therein. The bonded indebtedness of School District No. 55 of Laurens County shall not be considered in determining the power to incur bonded indebtedness by Laurens County or by any political subdivision of Laurens County or of the State wholly covering or partially extending over the territory of School District No. 55 of Laurens County."

SECTION 2. Submission to electors.—The proposed amendment shall be submitted to the qualified electors at the next general election for representatives. Ballots shall be provided at the various voting precincts with the following words printed or written thereon: "Shall Section 5 of Article X of the Constitution of this State be amended so as to permit School District No. 55 of Laurens County to increase its bonded indebtedness up to sixteen per cent of the assessed value of the taxable property therein?"

In favor of the amendment ☐

Opposed to the amendment ☐

Those voting in favor of the amendment shall deposit a ballot with a check or cross mark in the square after the words 'In favor of the amendment,' and those voting against the amendment shall deposit a ballot with a check or cross mark in the square after the words 'Opposed to the amendment'."

SECTION 3. Amendment to Article X, Section 5, State Constitution, proposed—bonded indebtedness of School District 56 of Laurens County.—There is proposed the following amendment to Section 5 of Article X of the Constitution of this State: add at the end of the section the following proviso: "*Provided*, that the limitations as to bonded indebtedness imposed by this section shall not apply to School District No. 56 of Laurens County and the school district may incur bonded indebtedness for school purposes to an amount not exceeding sixteen per cent of the assessed value of all taxable property therein. The bonded indebtedness of School District No. 56 of Laurens County shall not be considered in determining the power to incur bonded indebtedness by Laurens County or by any political subdivision of Laurens County or of the State wholly covering or partially extending over the territory of School District No. 56 of Laurens County."

SECTION 4. Submission to electors.—The proposed amendment shall be submitted to the qualified electors at the next general election for representatives. Ballots shall be provided at the various voting precincts with the following words printed or written thereon: "Shall Section 5 of Article X of the Constitution of this State be amended so as to permit School District No. 56 of Laurens County to increase its bonded indebtedness up to sixteen per cent of the assessed value of the taxable property therein?"

In favor of the amendment ☐

Opposed to the amendment ☐

Those voting in favor of the amendment shall deposit a ballot with a check or cross mark in the square after the words 'In favor of the amendment,' and those voting against the amendment shall deposit a ballot with a check or cross mark in the square after the words 'Opposed to the amendment'."

Ratified the 3rd day of March, 1966.

(R1327, H2655)

No. 1331

An Act To Provide For The Levy Of Taxes For School And County Purposes For The Fiscal Year 1966-1967; To Direct The Expenditure Thereof; To Provide Authority For Peace Officers; And To Further Regulate The Fiscal Affairs Of Laurens County.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. The County Auditor of Laurens County is hereby directed to levy a tax of fourteen mills on all taxable property of Laurens County for the year 1966 which, together with the estimated revenues for the fiscal year 1966-1967 from other sources applicable to county purposes, shall be sufficient to raise the sums of money hereinafter appropriated. The County Treasurer of Laurens County is hereby directed to collect the tax in the manner provided by law.

SECTION 2. Subject to the terms and conditions of this act, the sums of money set forth herein, if so much be necessary, be, and the same are hereby appropriated out of the general fund of Laurens County, to meet the ordinary operating expenses of Laurens County applicable to the fiscal year 1966-1967 and for such other purposes as may be hereinafter specifically designated.

SECTION 3. Appropriations:

Item 1. Board of Commissioners:

A. Salaries:

1. Supervisor	\$ 7,603.38
2. Commissioners (2 @ \$963.03)	1,926.06
3. Clerk	3,974.28
4. Assistant	3,612.97

17,116.69

B. Travel:

- | | |
|------------------------------------------------|----------|
| 1. Travel for Supervisor | 3,000.00 |
| 2. Travel for 2 Commissioners @ \$350.00 | 700.00 |

3,700.00

- | | |
|--------------------------|--------|
| C. Office Supplies | 800.00 |
|--------------------------|--------|

800.00

D. Courthouse:

- | | |
|--------------------------------------------------------------------------------------------------------------------|-----------|
| 1. Water, lights, fuel, telephone, janitor, supplies,
cleaning grounds | 10,000.00 |
| 2. Beautifying the lawn and building walks—to be
done under the supervision of the county garden
clubs | 100.00 |
| 3. Ladies' rest room | 1,126.11 |

11,226.11

- | | |
|----------------------------------------------------------------------------------------------------------------|----------|
| E. Insurance—for Courthouse, Jail, County Home,
Agriculture Building and Chain Gang Camp
Buildings | 2,510.00 |
|----------------------------------------------------------------------------------------------------------------|----------|

2,510.00

F. Supervisor:

- | | |
|-------------------------------------------------------------------------------------------------|-----------|
| 1. Salaries | 72,319.15 |
| 2. Maintenance of roads and bridges and supplies | 90,000.00 |
| 3. For equipment and supplies and for patching and
otherwise improving black top roads | 50,000.00 |

212,319.15

G. County Home:

- | | |
|--------------------------------------------------------------------------------------|-----------|
| 1. Salaries: | |
| a. Superintendent | 2,797.87 |
| b. Assistant Superintendent | 556.39 |
| c. Additional help to care for inmates | 4,196.84 |
| 2. Food, clothing, fuel, lights, etc., for inmates
and for farming expenses | 13,000.00 |

20,551.10

H. S. C. Retirement System for County Employees	15,600.00
H-1. County's part of Social Security	12,700.00
	<hr/>
	28,300.00
I. S. C. Industrial Commission—premium for Workmen's Compensation Insurance	3,000.00
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	3,000.00
J. County Attorney	500.00
	<hr/>
	500.00
K. S. C. Police Officers' Retirement System	5,900.00
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	5,900.00
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Total, Item 1	\$305,923.05
Item 2. Clerk of Court:	
A. Salaries:	
1. Clerk of Court	\$ 7,603.38
2. Deputy Clerk	3,974.28
3. Clerical Assistant	3,612.97
4. Second Assistant	3,612.97
5. Janitor for Courthouse—to be named by Clerk of Court and perform such duties as the clerk prescribes	3,378.36
	<hr/>
	22,181.96
B. 1. Travel for Clerk of Court	300.00
2. Courthouse Custodian travel	360.00
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	660.00
C. Office Supplies	5,350.00
C. 2. Photostat machine supplies	3,000.00
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	8,350.00
D. Circuit Court and Civil and Domestic Relations Court—expenses, including jurors, witnesses and bailiffs	20,000.00
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	20,000.00

Provided, witnesses shall receive two dollars per day and all jurors, bailiffs and the court crier in attendance upon the court shall receive as compensation the sum of seven dollars and fifty cents per diem and mileage as now prescribed by law. *Provided*, further, the courthouse janitor shall receive seven dollars and fifty cents additional compensation for each date the court of general sessions is in session.

Total, Item 2\$ 51,191.96

Item 3. Auditor:

A. Salaries:

1. Auditor	\$ 2,391.79
2. First Assistant	3,974.28
3. Second Assistant	3,612.97
4. Third Assistant	3,612.97
5. Extra Help	1,000.00
6. Deficiency in 1965-66 Salary	668.54
7. New Posting Machine	9,218.50
	<hr/>
	24,479.05

B. Office supplies, includes \$250.00 IBM maintenance ..
..... 1,500.00

1,500.00

C. Board of Assessors and Equalization—each member shall be paid seven dollars and fifty cents per day for services actually rendered plus State mileage of seven cents per mile 3,750.00

3,750.00

D. Travel for auditor 900.00

900.00

Total, Item 3\$ 30,629.05

Item 4. Treasurer:

A. Salaries:

1. Treasurer	\$ 2,391.81
2. Assistant	3,974.28

3. Extra help	100.00
4. Deficiency in 1965-1966 salary	668.54
	<hr/>
	7,134.63
B. Travel for Treasurer	300.00
	<hr/>
	300.00
C. Tax Collector:	
1. Salaries:	
a. Supervisor, Tax Collector's Office	867.12
b. Deputy Delinquent Tax Collector	5,202.69
	<hr/>
	6,069.81
<i>Provided, that the Supervisor of the Tax Collector's Office shall designate the Deputy Tax Collector and field men; provided, further, that all fees and costs of execution shall be remitted to the general fund of the county; provided, however, that one dollar of the execution fee and mileage shall be paid to the field men as compensation for services, plus four and four-tenths per cent of the amount collected.</i>	
D. Office Supplies	3,100.00
	<hr/>
	3,100.00
Total, Item 4	\$ 16,604.44
Item 5. Superintendent of Education:	
A. Salaries:	
1. Superintendent of Education	\$ 1,049.20
2. Assistant	3,974.28
3. Attendance Teacher	476.91
4. Supervisor of School Lunch Program	476.91
5. Deficiency in 1965-1966 salary for Superintendent of Education	688.54
	<hr/>
	6,665.84
B. Travel for Superintendent of Education	900.00
Travel for School Lunch Supervisor	522.00
Travel for Attendance Teacher	600.00
	<hr/>
	2,022.00

C. Office Supplies	350.00
	<hr/>
	350.00
D. Attendance Teacher—aid for needy children ..	200.00
	<hr/>
	200.00
E. County Board of Education Fund	400.00
	<hr/>
	400.00
	<hr/>
'Total, Item 5	\$ 9,637.84

Item 6. Sheriff:

A. Salaries:

1. Sheriff	\$ 7,603.38
2. Three Lieutenant Deputies @ 4,496.84	13,490.52
3. Deputy Sheriffs (8 @ 4,196.84)	33,574.72
<i>Provided</i> , one of the above Deputy Sheriffs shall be assigned to the Wattsville area.	
4. Deputy for day work	4,196.84
5. Deputy for night work	4,196.84
6. Jailer	4,196.84
7. Deputy Sheriffs for mills:	
a. Lydia Mill	270.24
b. Joanna (Holt)—one-half salary	2,098.42
	<hr/>
	69,627.80

Provided, the Sheriff shall have the authority
to name one deputy as Chief Deputy and such
deputy shall be placed under bond of \$2,500.00.

B. Travel:

1. Sheriff	3,000.00
2. Deputy Sheriffs—11 @ \$250.00 per month	33,000.00
3. Deputy Sheriffs—1 @ \$125.00 per month	1,500.00
4. Day and night clerk— \$150.00 per month	1,800.00
5. Deputy at Joanna, transporting prisoners and witnesses to jail and trial at magistrates' courts	1,500.00
6. Head mill deputy at Lydia Mill, transporting prisoners and witnesses to jail and trial at mag- istrates' courts—\$175.00 per month	2,100.00
	<hr/>
	42,900.00

C. Uniforms and overcoats—July 1, 1966, to June 30, 1967—14 @ \$200.00 per year—1 @ \$100.00		2,900.00
		<hr/> 2,900.00
D. Office supplies		1,400.00
		<hr/> 1,400.00
E. Two Process Servers		600.00
		<hr/> 600.00
F. Radio System:		
1. Maintenance		1,200.00
2. Supplies		700.00
3. Payment on Sheriff's radios		2,402.52
		<hr/> 4,302.52
G. Jail:		
Water, lights, fuel, disinfectants, plumbing, returning prisoners taken into custody outside of county and outside of State, and dieting prisoners at one dollar and five cents per day		12,000.00
		<hr/> 12,000.00
Total, Item 6		<hr/> \$133,730.32
Item 7. Judge of Probate:		
A. Salaries:		
1. Judge of Probate	\$	7,603.38
2. Clerk		3,974.28
3. Assistant		3,612.97
		<hr/> 15,190.63

Provided, that all fees collected in this office shall be turned over to the county treasurer. This does not include commissions received from the Tax Commission on inheritance taxes. Certified copies of marriage licenses shall be furnished free of charge on request to persons in the Armed Services of the United States and to veterans of the Korean Conflict, but no more than one copy shall be furnished without charge.

B. Travel for Probate Judge	900.00	
	<hr/>	900.00
C. Office Supplies	1,500.00	
	<hr/>	1,500.00
Total, Item 7	\$ 17,590.63	
Item 8. Health Department:		
County's part of salaries and travel allowance of county employees, office supplies and maintenance of building. It shall be the duty of the health department to handle the vital statistics of Laurens County	\$ 23,600.00	
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Total, Item 8	\$ 23,600.00	
Item 9. Magistrates:		
A. Salaries:		
1. Laurens	\$ 2,168.51	
2. Clinton	1,748.68	
3. Cross Hill	400.71	
4. Waterloo	400.71	
5. Gray Court	400.71	
6. Youngs	400.71	
7. Scuffletown	400.71	
8. Sullivans	400.71	
9. Jacks	400.71	
10. Joanna	400.71	
11. For stenographic help in holding inquests and preliminaries, to be expended upon the approval of the coroner and the sheriff, if so much be necessary	600.00	
	<hr/>	7,722.87
<i>Provided, however, that in addition to the above compensation, each magistrate shall be paid the sum of ten dollars for each jury trial in which he or she presides and for each inquest.</i>		
B. Office rent—Clinton	144.00	
	<hr/>	144.00

C. Office supplies	600.00
C-1. Stamps and stationery @ \$10.00 per magistrate	100.00
	<hr/>
	700.00

D. For payment of jurors in criminal cases, and for miscellaneous expenses, including payments to magistrates for holding jury trials and inquests	2,300.00
	<hr/>
	2,300.00

Provided, that hereafter all jurors actually serving in trial of criminal cases in magistrates' courts shall be paid two dollars for each case so tried. The presiding magistrate shall issue to each juror so serving a pay certificate showing the date of service which shall be paid upon presentation to the county treasurer.

Total, Item 9	\$ 10,866.87
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Item 10. Agriculture:

A. County supplement to State income:

1. County Agent	\$ 660.00
2. Secretary to County Agent	462.00
3. Stenographer for Home Demonstration Agent	396.00
4. Assistant County Agent	726.00
5. Second Assistant County Agent	660.00
6. Demonstration materials—Home Demonstration Agent	120.00
7. Travel for County Agent	300.00

3,324.00

B. Agriculture Building—Janitor supplies, plumbing and other minor repairs, fuel, water, lights, telephone and postage	1,475.00
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1,475.00

C. Club Work:

1. Club Work	300.00
2. F. F. A.	175.00
3. Future Homemakers	175.00

650.00

D. Travel for Negro County Agent	300.00
	<hr/> 300.00
F. Rent:	
1. AAA Office	600.00
2. F.H.A. Office	300.00
	<hr/> 900.00
G. Laurens Cooperative Breeding Association ...	200.00
	<hr/> 200.00
	<hr/>
Total, Item 10	\$ 6,849.00
Item 11. Department of Public Welfare:	
A. For maintenance, including office expense and mileage for child welfare worker	\$ 7,455.00
	<hr/> 7,455.00
<i>Provided, that the board members shall receive \$25.00 per month from this fund.</i>	
B. Emergency assistance	2,000.00
	<hr/> 2,000.00
C. Child welfare fund	2,000.00
	<hr/> 2,000.00
D. Aid for indigent aged	2,000.00
	<hr/> 2,000.00
E. Office workers' supplement	300.00
	<hr/> 300.00
F. Heart Fund	200.00
	<hr/> 200.00
	<hr/>
Total, Item 11	\$ 13,955.00
Item 12. County Service Officer	\$ 6,503.38
Secretary to County Service Officer	3,612.97
Office supplies and travel	1,000.00
	<hr/>
Total, Item 12	\$ 11,116.35

Item 13. Domestic Relations Court:

A. Salaries:

1. Judge	\$ 7,500.00
2. Stenographer	1,906.65
3. Office supplies and rent	600.00
4. Copying Machine	462.32

Total, Item 13

\$ 10,468.97

Item 14. Laurens County Library

Provided, that the distribution and circulation of library books in rural schools shall not be curtailed. *Provided*, further, that any raise given an employee shall be with consent of delegation, including the Senator.

Total, Item 14

\$ 30,545.00

Item 15. Coroner:

A. Salary:

1. Coroner	\$ 3,003.00
2. Travel for Coroner	300.00

Total, Item 15

\$ 3,303.00

Item 16. County Physician:

A. Salaries:

1. County Physician	\$ 1,564.05
B. Medical supplies	300.00

Provided, no medical supplies shall be purchased except on written approval of the County Physician and shall not exceed \$25.00 per month.

Total, Item 16

\$ 1,864.05

Item 17. Forest Fire Control:

A. Per diem and mileage for board members	\$ 200.00
B. Ranger	440.00
C. Wardens, three @ \$330.00	990.00
D. Tractor Operator	552.70

Total, Item 17

2,182.70

Item 18. Miscellaneous:

A. County audit—not to exceed	\$ 3,500.00
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3,500.00

B. Secretary to delegation—office expense	400.00
	<hr/> 400.00
C. Lunacy examinations	2,300.00
	<hr/> 2,300.00
D. Contingent	10,000.00
	<hr/> 10,000.00
E. Board of Registration, three @ \$121.00 for meeting away from county seat	363.00
E-1. Travel—\$150.00 each	450.00
	<hr/> 813.00
F. Premium on bonds	925.00
	<hr/> 925.00
G. Supplement for stenographer to Probation Officer	1,100.00
1. Office expense	50.00
2. Liaison office for Solicitor	1,800.00
	<hr/> 2,950.00
H. Planning and Development Commission	5,500.00
	<hr/> 5,500.00
Total, Item 18	\$ 26,388.00
Item 19. National Guard Units:	
A. Laurens	\$ 600.00
	<hr/> 600.00
B. Clinton	600.00
	<hr/> 600.00
These funds are not available if any of the above guard units are called into Federal service, or if called out to police any integrated school in this State.	
Total, Item 19	\$ 1,200.00

Item 20. Contributions:

A. Transportation and medicine for cancer patients	\$ 1,800.00
	<hr/> 1,800.00
B. Soil Conservation Office	500.00
B-1. Stenographer	1,100.00
	<hr/> 1,600.00
Total, Item 20	<hr/> \$ 3,400.00

Item 21. Mental Health Clinic:

Area No. 5 Mental Health Clinic—Laurens	
County's prorated contribution	\$ 10,073.81
Deficiency in appropriation for 1965-1966	1,955.22
	<hr/>
Total, Item 21	\$ 12,029.03

Item 22. Laurens County Rescue Squad and construction
of addition to building

	\$ 2,500.00
	<hr/>
Total, Item 22	\$ 2,500.00

Item 23. For engineering survey to be made by Lock-
wood Greene, Engineers of Spartanburg, S. C.,
for the purpose of ascertaining the costs and
feasibility of constructing a water system
throughout Laurens County, including a filter-
ing plant, not to exceed

	\$ 3,000.00
	<hr/>
Total, Item 23	\$ 3,000.00

Item 24. For the construction of Airport facilities for
Laurens County, *provided*, matching funds in
this amount are obtained from the State

	\$ 30,000.00
	<hr/>
Total, Item 24	\$ 30,000.00

Grand Total \$758,575.26

Estimated Revenues:

Estimated income on 14 mills tax	\$208,000.00
Fines	76,000.00
Gasoline Tax	170,000.00
Alcoholic Liquors Tax	53,000.00

Beer and Wine Tax	14,000.00
Income Tax	90,000.00
Delinquent Taxes—County	13,000.00
Recording Fees (Clerk's Office)	35,000.00
Dividends	3,000.00
Library Board	6,000.00
Bank Tax	4,500.00
Service Office	4,815.00
Insurance License Fees	34,000.00
Surplus on hand	50,000.00
Total, Estimated Revenues	<u>\$761,315.00</u>

SECTION 4. The county sheriff is hereby authorized and required to make a monthly report to the Laurens County Treasurer and at the same time turn over to the county treasurer all fines, fees and mileage, except all fees collected for the service of magistrates' papers. The report shall be made on or before the tenth day of each month.

SECTION 5. The county supervisor is hereby authorized and required to make a quarterly report to the Laurens County Delegation in the General Assembly, giving an itemized and verified statement of all expenditures pertaining to his office which have been paid by him and also an itemized statement of all debts and obligations incurred for which Laurens County is liable. The report shall be made on or before April fifteenth, July fifteenth, October fifteenth and January fifteenth of each year.

SECTION 6. The supervisor and county commissioners are hereby required to keep a separate account covering the various items of the appropriations act not to exceed in expenditure the amount herein provided for each item; and for any excess allowed or permitted, the officers shall be held on their official bond. It shall be unlawful for any county commissioner or commissioners or other officers of county government, to purchase, bargain for, or contract for any materials or services which would create a deficit in any item or provision hereof within the time covered by this act, except upon written approval of a majority of the delegation, including the Senator.

SECTION 7. The county treasurer is authorized to pay claims for school teachers' salaries and for other school purposes from the

general fund of the county, all such amounts to be refunded to the general fund when State aid and current school taxes are received in the treasurer's office.

SECTION 8. The official bond for the County Supervisor of Laurens County shall be ten thousand dollars and no claim against Laurens County shall be paid until it has had the approval in writing of the county supervisor and at least one of the two county commissioners. All expenditures in excess of the appropriations herein made, and not duly authorized by law, made by the County Supervisor and Board of County Commissioners for Laurens County, shall not constitute a valid indebtedness against Laurens County and all such contracts shall be null and void unless same have previously been approved by a majority of the delegation, including the Senator. The official bond of the county supervisor and county commissioners shall be responsible for all unauthorized expenditures and contracts made by such officers on behalf of Laurens County. The supervisor is hereby required to notify the sheriff immediately upon the escape of any convict from the county chain gang, and the sheriff shall have his actual expenses for the capture of such escaped convict, when necessary to go out of the county.

SECTION 9. The board of county commissioners is hereby authorized and directed to divide the expenditures of such appropriations into monthly payments and monthly expenditures shall not exceed one-twelfth of the annual appropriations, unless otherwise stipulated.

SECTION 10. In the event of a vacancy or a new recommendation, there shall be appointed and commissioned by the Governor, upon the named, two special deputies to have the usual authority of peace officers, and who shall be assigned to duty as follows: one at Joanna Mill and one at Lydia Mill, as the sheriff may designate, and shall be paid by the Treasurer of Laurens County the sum herein provided, and the two mills may supplement the salaries if they do so desire, such appointments to be made for a period of two years; *provided*, however, that the terms of such appointments shall not extend beyond the term of the sheriff at any time. Such deputies must be sworn in office before the Clerk of Court of Laurens County, and shall have the usual bond in the sum of one thousand dollars, conditioned upon the faithful performance of duty. *Provided*, that all pay and allowances for mill deputies provided by this act shall

be paid by the treasurer only when approved by the Sheriff of Laurens County.

SECTION 11. The Board of County Commissioners of Laurens County is hereby authorized and required to advertise for competitive bids for the purchase of all supplies used by Laurens County, including the county home, and shall accept the lowest responsible bid for the same and any purchase not made in conformity thereto shall not be a debt against the county. *Provided*, however, the board of commissioners shall purchase any such supplies from the Division of General Services of the State Budget and Control Board if such purchases can be made at a cost less than the lowest bid herein referred to. Supplies herein mentioned include road materials, office equipment, and other equipment and machinery of a value of more than one hundred dollars, but does not include purchase of parts or personal service for repairs of equipment where no competitive part or service is available; *provided*, that the board shall have the right to reject any bid which does not meet its requirements as to quality, specifications or description. *Provided*, further, that the term "board of commissioners" shall include the supervisor and the two county commissioners.

SECTION 12. The salaries herein provided for the various officers of Laurens County, except magistrates, shall be in lieu of all fees and costs, of whatsoever nature or description, collectible by them for services rendered on or after April 1, 1935. All fees or costs collected by any of such officers under the law providing the same for services rendered shall be turned over by such officer to the County Treasurer of Laurens County monthly together with a statement under oath, showing the amount collected during the month immediately preceding such statement. All county officers are hereby forbidden to deposit any monies belonging to the county with his or her personal accounts.

SECTION 13. The official bond required of the Sheriff of Laurens County shall be five thousand dollars for which amount he shall give bond for the faithful performance of his duties, the premium of which shall be paid by the county; *provided*, that each of his deputies is required to give surety bond, conditioned upon the faithful performance of his duties, in the sum of one thousand dollars, the premium of the bonds of such deputies to be paid by Laurens County.

SECTION 14. There is hereby levied upon all the taxable property of the Laurens Hospital District four mills, which shall be known as the hospital fund for the Laurens Hospital District. Out of this fund there shall first be paid the insurance premium of the fire insurance policy covering the hospital located in the District, and the balance thereof shall be expended for the care and support of the needy or charity patients (past and present) of the Laurens Hospital District and it shall be the duty of the county board of commissioners to pass upon all claims approved by the operating board of trustees of the Laurens County Hospital District; *provided*, however, that patients admitted to the hospital from the county jail, county chain gang and from courts of the county and State shall be considered and treated as charity.

SECTION 15. There is hereby levied upon all the taxable property of the Clinton Hospital District four mills, which shall be known as the hospital fund for the Clinton Hospital District. Out of this fund there shall first be paid the insurance premium of the fire insurance policy covering the hospital located in the District and the balance thereof shall be expended for the care and support of the needy or charity patients (past and present) of the Clinton Hospital District, and it shall be the duty of the county board of commissioners to pass upon all claims approved by the operating board of trustees of the Clinton Hospital District; *provided*, however, that patients admitted to the hospital from the county jail, county chain gang and from the courts of the county and State shall be considered and treated as charity.

SECTION 16. Provisions made herein for additional clerical help in the several offices shall not be used to supplement salaries of regular employees.

SECTION 17. The county treasurer is hereby authorized, empowered and directed to transfer from the county sinking fund to the general fund of the county the funds now in and hereafter accruing to the account for the past indebtedness.

SECTION 18. The auditor shall levy and the treasurer shall collect the tax on all the taxable property of Laurens School District No. 55 and Laurens School District No. 56, not to exceed thirty-five mills. *Provided*, further, that in the event any money shall remain in the current operating fund of School District No. 55 or School

District No. 56, at the end of the fiscal year, all such money shall be applied to any deficit of the respective districts. The treasurer shall credit the amounts collected in the respective districts to the account of the districts, and the funds shall be expended under the supervision and direction of the trustees of such school districts for general school purposes.

Provided, further, that the trustees of either School District No. 55 or School District No. 56 shall petition the County Board of Education of Laurens County for an election on the question of raising the levy for school purposes whenever a greater levy than thirty-five mills is needed to meet the budgets of the school districts.

SECTION 19. Any funds received by the treasurer by reason of the terms of the appropriations act for 1965 for the benefit of the schools of Laurens County shall be credited to the districts as provided by law and shall be expended by the trustees of the districts for general school purposes.

SECTION 20. All transfers of funds heretofore made by the county treasurer from one account to another made upon the written request of a majority of the Laurens County Legislative Delegation, including the Senator, are hereby validated.

SECTION 21. The appropriation hereinabove made for the county attorney, and for the hiring of auditors to audit the books shall be spent only upon direction of the Laurens County Legislative Delegation, including the Senator; and the county attorney and the company which audits the county books shall be named by the Laurens County Legislative Delegation, including the Senator.

SECTION 22. There is hereby appropriated a sufficient sum of money for School District No. 55 and a sufficient sum of money for School District No. 56 in Laurens County which shall be utilized as a supplement to increase to twenty per cent the 1966-67 State Aid Schedule for teachers in the respective districts. *Provided*, that the county auditor shall first ascertain from the State auditor whether or not sufficient State funds will be forthcoming for this purpose. If, by June 1, 1966, the county auditor determines that State funds are insufficient to pay the increase provided in this act the auditor of the county shall levy, and the treasurer shall collect, a sufficient tax in the respective districts to pay the increase; *provided*, however, the tax shall in no event exceed five mills.

SECTION 23. The amount hereinabove appropriated as salary for the county auditor, county treasurer and county Superintendent of Education are estimates only. The exact amount to be paid by this act appropriated as salary for each of such officers is a sufficient sum to make a total of seven thousand six hundred three dollars and thirty-eight cents when added to the amount paid by the State.

SECTION 24. The county supervisor shall pay county employees every two weeks.

SECTION 25. This act shall take effect upon approval by the Governor.

Approved the 1st day of June, 1966.

(R1173, H2523)

No. 1332

An Act To Make Appropriation For The Operating Expenses Of Lee County For The Fiscal Year 1966-1967, And To Provide For The Expenditure Thereof.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Out of the available funds now on hand, and to be received, there is hereby appropriated for county purposes for the fiscal year beginning July 1, 1966, and ending June 30, 1967, the following:

Item 1. Roads, bridges and chain gang:

Salary, Superintendent of Roads	\$ 4,800.00
Travel	300.00
Salary, (5) employees @ \$3,000.00	15,000.00
Salary, (2) employees @ \$2,850.00	5,700.00
Salary, (1) employee	1,980.00
Clothing and bedding for prisoners	3,000.00
Gasoline, oil, grease, tires and tubes	7,800.00
Lumber and pipe	3,000.00
Coal, lights, medicine and doctor's bills	2,400.00
Repairs and other miscellaneous items	10,000.00
Dieting prisoners and guards' meals	8,000.00

Total, Item 1 \$ 61,980.00

Item 2. Administrative:

Auditor (to make total salary \$5,348.00)	\$ 1,500.00
Treasurer (to make total salary \$5,348.00) . .	1,500.00
Clerk of Court	2,360.00
Attorney	600.00
Coroner	775.00
Chairman, County Board of Commissioners ad- ditional	260.00
County Commissioners, seven @ \$600.00 each	4,200.00
Clerk, Auditor's Office	2,880.00
Clerk, Treasurer's Office	2,880.00
Clerk, County Board of Commissioners	3,740.00
Assistant Clerk, County Board of Commissioners	2,400.00
Clerk, Clerk of Court's Office	2,880.00
Total, Item 2	\$ 25,975.00

Item 3. Judicial:

Judge of Probate	\$ 1,200.00
Clerk, Judge of Probate's Office	2,500.00
Magistrate, Bishopville	1,800.00
Magistrate, Lynchburg	1,100.00
Magistrate, Lucknow	600.00
Magistrate, St. Charles	600.00
Magistrate, Spring Hill	600.00
Magistrate, Ashwood	600.00
Magistrate, Cypress	600.00
Magistrate, Ionia	600.00
Magistrate, Stokes' Bridge	600.00
Jurors, Bailiffs and witnesses, including per diem of jurors and bailiffs at \$4.00 and witnesses at \$1.00 per day	2,000.00
Total, Item 3	\$ 12,800.00

Item 4. Law Enforcement:

Sheriff, salary	\$ 4,380.00
Sheriff, traveling expense	1,800.00
Deputies, (5) at \$3,000.00	15,000.00
Deputies, subsistence (5) at \$600.00 each per annum	3,000.00
Clerk, Sheriff's Office	2,880.00

Jailor	2,000.00
Miscellaneous jail expense	1,000.00
Dieting jail prisoners	2,400.00
Uniforms for Sheriff and (5) deputies	900.00
Miscellaneous administrative expenses	1,500.00
Gas, oil, batteries, tires and repairs to police cars	5,000.00
Maintenance of Police Radios	1,000.00
Total, Item 4	\$ 40,860.00
Item 5. Social Welfare:	
General Relief	\$ 3,000.00
Old Soldiers and their widows residing in Lee County	60.00
Lee County Health Department	10,000.00
Public Welfare Department (matching fund for expenses)	1,500.00
Vital Statistics (Health Department)	200.00
Janitress, Health Department	400.00
Total, Item 5	\$ 15,160.00
Item 6. Courthouse and public buildings:	
Workmen's compensation insurance	\$ 1,000.00
Water, fuel, lights, insurance and bonds	9,500.00
Janitor, Courthouse	2,400.00
Total, Item 6	\$ 12,900.00
Item 7. Miscellaneous:	
Contingent fund, to be disbursed only on written approval of the county legislative delegation	\$ 10,000.00
Post Mortems and Lunacy	1,000.00
Board of Tax Assessors and Tax Appeals ...	1,500.00
Books, etc., Clerk of Court's Office	1,500.00
Printing, postage and stationery	3,000.00
American Legion Hut and grounds, Bishopville	100.00
American Legion Hut and grounds, Lynchburg	100.00
V. F. W. Hut and grounds, Bishopville	100.00
4-H Boys' Club Work	200.00
4-H Girls' Club Work	200.00
Additional salary, Home Demonstration Agent	600.00

Additional salary, County Agent	900.00
Additional salary, Assistant County Agent ...	660.00
Additional salary, Assistant County Agent ...	300.00
Clerical help County Agent's Office	900.00
Clerk, Soil Conservation Office	900.00
Home Demonstration Agent and County Agent demonstration supplies	225.00
Salary, County Service Officer	4,400.00
Clerk, County Service Officer	1,670.22
Lights, telephone, stamps and incidentals for Service Officer	520.00
Travel and expenses for Service Officer outside county	300.00
Rent for office of Service Officer	240.00
Coroner's jurors @ \$2.00 per day	200.00
County payment retirement fund	2,000.00
Lee County Public Library Commission for books	1,000.00
Lee County Public Library Commission for mis- cellaneous expenses	900.00
Salary, County Librarian	3,000.00
Salary, Assistant County Librarian and book- mobile librarian	1,415.00
Gas, oil, repairs, etc., library truck	400.00
Social Security	4,000.00
Company "D" Third Battle Group, South Caro- lina National Guard	1,500.00
Rural Fire Protection Commission	2,000.00
Lee County Industrial Planning Board	2,000.00
Miscellaneous repairs to public buildings	500.00
Lee County's contribution to Sumter Area T. E. C.	4,000.00
Total, Item 7	\$ 52,230.22

Item 8. Traveling Expenses:

County Commissioners, seven @ \$330.00	\$ 2,310.00
Coroner	450.00
Auditor	360.00
Treasurer	360.00

Clerk of Court	240.00
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Total, Item 8	\$ 3,720.00
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GRAND TOTAL	\$225,625.22
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Less Estimated Indirect Revenue:

Commutation Road Tax	\$ 2,600.00
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Gasoline Tax	60,000.00
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Income Tax	37,000.00
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Beer, Wine and Whiskey Tax	25,000.00
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Fines and Costs	27,800.00
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Insurance Fees	6,300.00
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State Contribution to County Service Officer ..	4,590.00
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Other sources	8,000.00
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Total	\$171,290.00
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Amount to be raised by taxation	\$ 54,335.22
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SECTION 2. The Auditor and Treasurer of Lee County are hereby authorized and directed to levy and collect upon all the taxable property of Lee County a sufficient number of mills, not to exceed twelve mills, if so much be necessary, to raise the amount stated in this appropriation act to be raised by taxation.

SECTION 3. The funds appropriated for roads, bridges and chain gang shall be spent and used in such a way as to cover the entire period of this act, and as near equally per month as possible, and the county board of commissioners is hereby forbidden to contract for or spend in excess of the appropriation in any way or make indebtedness therefor which cannot and is not paid for on the tenth of the next month after the purchase or expenditure is made. Any violation of this section shall subject the member or members of the commission to immediate removal by the Governor upon the written recommendation of the entire Lee County Legislative Delegation and any such purchase or expenditure in excess of the sums so appropriated shall not be an obligation of Lee County and be null and void.

SECTION 4. The funds appropriated for each and every purpose shall be used for that purpose only, and no part thereof shall be diverted from any one appropriation to another without the written consent of the Lee County Legislative Delegation.

SECTION 5. The county board of commissioners is hereby authorized, empowered and directed to keep all county records, books and vouchers in the board's office in the county courthouse and to keep such office open each weekday. They shall at all times keep an exact record of all sums paid on each and every appropriation of the county.

SECTION 6. The County Board of Commissioners of Lee County is hereby authorized, required and directed to buy the various provisions, supplies, etc., except perishables, necessary for the county chain gang at lowest possible prices. Fresh meats and vegetables shall be bought from local merchants on an impartial rotating basis, with no regard to factional affiliation. Gas, oil and grease shall be purchased from the five major distributors in Lee County on a monthly rotating basis. The superintendent of roads shall be scrupulously fair in the division of this business.

SECTION 7. All new machinery, automotive and other equipment for the county and all political subdivisions of the county shall be purchased only by the county board of commissioners with the approval of the Lee County Legislative Delegation.

SECTION 8. The superintendent of roads shall use every care to keep the cost of operation of the chain gang as low as possible and he shall cause the prisoners and guards to keep all machinery and equipment properly greased and he shall cause the prisoners and guards to take extra care in operating the machinery and equipment. It shall be unlawful for any person to use gas or oil from county supplies in any vehicle other than county-owned. This shall apply to county commissioners, sheriff's department, county officials, or any other citizen.

SECTION 9. The County Board of Commissioners of Lee County shall be the sole purchasing agent for Lee County and any and all officers or employees of Lee County who may need any books, provisions, supplies and other material or thing for their offices or departments shall request the purchase of same by written request to the County Board of Commissioners of Lee County, which commission, if it deems the purchase necessary and strictly within the appropriation for such office or department, shall issue its regular requisition blank, numbered serially, in triplicate, for the purchase, deliver one copy to the officer or department requesting the purchase, deliver one copy to the seller to be presented along with the

seller's itemized bill for such purchase at the time payment therefor is made. No officer or employee of Lee County shall make any purchase except in the manner herein provided and any purchase made or contracted for except by virtue of a proper requisition blank shall not be a debt against the county, but shall be the individual debt of the person making such a purchase. A copy of this section shall be mailed by the county board of commissioners to every officer or employee of Lee County and to such other concerns and people as it may deem proper.

SECTION 10. In order to prevent lost motion, duplication of effort and lack of definite responsibility, the chairman of the county board of commissioners is required to devote such part of his time as the county board of commissioners may determine to be necessary. He shall execute the orders and policies of the commission, but no authority is denied the other members of the commission, nor is the chairman vested with greater power than his fellow members, but for convenience and better business methods, concentration of execution is delegated to the chairman rather than the entire commission. *Provided*, that in the case of incapacity of the chairman his duties shall, with the consent of the entire Lee County Legislative Delegation, devolve upon the other members of the county board until a chairman is again chosen.

SECTION 11. The county board of commissioners shall have full supervision of the county chain gang and there shall be paid out of the funds appropriated for dieting county gang prisoners, upon itemized statements properly verified by seller and approved by the board, the actual cost of food, fuel, water and lights necessary for the proper dieting of prisoners. *Provided*, however, such cost shall not exceed the sum of eighty cents per day for each prisoner confined on the chain gang, and the superintendent of roads shall file a monthly report showing an itemized list of all prisoners confined on the chain gang, the exact number of days each prisoner spent on the chain gang that month and the total maximum authorized cost based on the number of prisoners at the rate of eighty cents per day. No bill in excess of the maximum authorized cost shall be paid except with the written approval of the Lee County Legislative Delegation.

SECTION 12. The county board of commissioners shall pay out of the appropriation for extra food for gang employees, upon itemized statement properly verified by seller and approved by the board, the

actual cost of extra food for meals of gang employees while on duty; *provided*, however, such cost shall not exceed the sum of fifteen dollars per month for each employee.

SECTION 13. The Board of County Commissioners of Lee County is hereby authorized to borrow, upon the written approval of the Lee County Legislative Delegation, not exceeding ninety per cent of the amount to be raised by taxation by the above levy, on note or notes to be executed by the chairman of the board and the County Treasurer of Lee County, which notes when so executed shall be a first lien on all taxes to be raised by the levy.

SECTION 14. The provisions of Section 20-32 of the 1962 Code, and acts amendatory thereto, so far as the same shall effect the payment of fifty cents on each marriage license fee by the Judge of Probate of Lee County unto the Treasurer of Lee County, are hereby repealed for this fiscal year only and the Probate Judge of Lee County is hereby authorized and directed to retain the full marriage license fee for each marriage license issued by him.

SECTION 15. Each magistrate is hereby required to account to and pay the county treasurer on or before the tenth day of each month for all fines and monies collected by him as magistrate during the preceding month and file a written report with the county board of commissioners, showing all criminal cases brought before him and their disposition, and no magistrate shall be paid his monthly salary until such monthly accounting and report is made.

SECTION 16. The sheriff shall have full supervision of the county jail and there shall be paid out of the funds appropriated for dieting jail prisoners, upon itemized statements properly verified by seller and approved by the sheriff, the actual cost of food, fuel, water and lights necessary for the proper dieting of prisoners; *provided*, such food cost shall not exceed the sum of eighty cents per day for each prisoner confined in the jail, and the jailor shall file a monthly written report showing an itemized list of all prisoners confined in the jail and the exact number of days each prisoner spent in the jail that month, and the total maximum authorized cost based on the number of prisoner days at the rate of eighty cents per day. No bill in excess of such maximum authorized cost shall be paid except with the written approval of the Lee County Legislative Delegation.

SECTION 17. The county board of commissioners shall also pay out of funds appropriated the actual cost of all necessary clothing, fuel,

bedding and other camp equipment, and the superintendent of roads shall have a trusty, or trusties, prepare and cook the food, keep the camp and stockade clean and well heated, and the bedding and clothing in good order.

SECTION 18. The county board of commissioners is hereby directed at least once each month to have a suitable detail of gang prisoners thoroughly clean the county courthouse and grounds and the Lee County Memorial Hospital Grounds.

SECTION 19. The amount herein appropriated shall be spent over the entire period of this act, as near equally per month as possible, and any officer or employee who shall contract for or spend in excess of the appropriation for his department shall be subject to removal by the Governor, upon the written recommendation of the entire legislative delegation, and any such purchase or expenditure in excess of the sum so appropriated shall not be an obligation of Lee County and is null and void.

SECTION 20. The amounts listed herein for the payment of each of the clerks in the office of county commissioners, sheriff, auditor, probate judge, clerk of court, and treasurer are for the clerks of such offices, on March first, of this fiscal year; and in case a new clerk is placed in any of such offices, his or her salary shall be approved by the Lee County Legislative Delegation.

SECTION 21. The amounts herein listed for additional salary—County Agent, and additional salary—Assistant County Agent, are for the present County Agent and the present Assistant County Agent and in case a new person is placed in either position, the additional salary shall not be paid until and unless the salary be first approved by the Lee County Legislative Delegation.

SECTION 22. All taxes and indirect revenue collected for ordinary county purposes during the fiscal year 1965-1966, in excess of the amount necessary to pay appropriations for the fiscal year 1965-1966, shall be disbursed by the County Board of Commissioners of Lee County upon the written authorization of the Lee County Legislative Delegation, on county warrants, and the county treasurer is hereby authorized to honor such warrants and charge the same to ordinary county fund, and any balance remaining on hand on July 1, 1966, shall be used to meet appropriations for the fiscal year 1966-1967, and all taxes and indirect revenues collected for ordinary county purposes

during the fiscal year 1966-1967, in excess of the amount necessary to pay appropriations for the fiscal year 1966-1967, shall be disbursed by the County Board of Commissioners of Lee County upon the written authorization of the Lee County Legislative Delegation, on county warrants, and the county treasurer is hereby authorized to honor such warrants and charge the same to ordinary county fund.

SECTION 23. Any and all unused balances in any and all accounts for the fiscal year 1965-1966 shall be automatically transferred to the contingent fund account for the fiscal year 1966-1967.

SECTION 24. The County Board of Commissioners of Lee County is hereby authorized to refinance any existing indebtedness of Lee County evidenced by notes or bond issues, where a material saving in interest can be had, and any note or notes given for such purpose shall be executed by the chairman of the board and the Treasurer of Lee County, and when so executed shall be a first lien on all taxes levied or to be levied for the purpose of the original note or bond issue so refinanced.

SECTION 25. The County Board of Commissioners of Lee County is hereby authorized and directed to terminate, with or without notice, the appointment of any cotton weigher appointed by the board in the event such cotton weigher fails to properly perform his duties as determined by the Lee County Marketing Commission by majority vote.

SECTION 26. The County Board of Commissioners of Lee County is hereby authorized to use, as it deems necessary, general relief or general assistance funds for general relief of indigent citizens, but care shall be used that only absolute charity patients receive relief funds.

SECTION 27. The County Board of Commissioners of Lee County is hereby authorized and directed to allow the use, from month to month, of such portion of the unused open land on the county farm as the county board of commissioners may deem necessary for an airport at Bishopville, and such commission shall supervise the use of the airport and the construction of any hangar or hangars thereon.

SECTION 28. The Lee County Legislative Delegation is hereby authorized to have an audit made, covering the fiscal year 1965-1966, of any and all offices and departments of Lee County and shall pay for same out of the County Contingent Fund.

SECTION 29. Every county officer and employee is prohibited from making any purchase for Lee County from any officer or employee of Lee County, and no purchase so made shall be an obligation of Lee County, and no county officer or employee shall use any county property for his own use, but only for necessary official use.

SECTION 30. The county treasurer is directed, upon the written authorization of the Lee County Legislative Delegation, to set aside and transfer as much of the county surplus funds as in the opinion of the Lee County Legislative Delegation may be proper for the construction of any public improvements designated by the delegation, and as much of such surplus funds as in the opinion of the Lee County Legislative Delegation, by written order, may be needed for ordinary county purposes.

SECTION 31. The various officers and employees of the county are hereby directed to file with the Chairman of the Lee County Legislative Delegation and the Chairman of the County Board of Commissioners of Lee County duplicate quarterly reports showing the status of such office or department and such other information as the county board or the Lee County Legislative Delegation may request. If any officer or employee fails to file such quarterly report within fifteen days after the end of each quarter, the county board of commissioners is hereby directed to withhold payment of salary of such officer or employee until such officer or employee files such quarterly report, as provided herein.

SECTION 32. No office equipment, furniture, fixtures, nor any machinery, tractors, road patrols, trucks, automobiles, or any other heavy machinery, shall be purchased out of county funds by any officer or employee of Lee County without the written approval of the Lee County Legislative Delegation.

SECTION 33. The Auditor of Lee County is hereby authorized and directed to levy and the Treasurer of Lee County is hereby authorized and directed to collect six mills additional upon all of the taxable property of Lee County, to assist in the operation of the Lee County Memorial Hospital. Such funds are to be credited to the Lee County Memorial Hospital Account, and are to be transferred to the account of the Treasurer of Lee County Memorial Hospital Commission at the rate of two thousand two hundred and fifty dollars per month. Any funds in excess of the above amount may be transferred to the general fund by written order of the legislative delegation.

SECTION 34. Every officer and employee of every board, commission or department of Lee County and its school system shall pay at the earliest possible date all past due taxes due Lee County, and the Sheriff of Lee County is hereby directed to mail to the Lee County Legislative Delegation and the County Board of Commissioners immediately after July 1, 1966, a statement of all past due taxes of every such officer or employee.

SECTION 35. The funds provided for uniforms for law enforcement officers shall be disbursed by the county treasurer only upon properly receipted invoices showing that the individual policeman has actually purchased the equipment for which he is being reimbursed.

SECTION 36. This act shall take effect upon approval by the Governor.

Approved the 10th day of May, 1966.

(R1407, H2723)

No. 1333

A Joint Resolution To Appoint A Committee In Lee County To Study The Need For County Council Form Of Government.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Committee to study need for county council form of government created—Lee County.—There shall be appointed by the Lee County Legislative Delegation a committee composed of nine members from among the legal residents of the county to make a complete study of the feasibility of establishing a county council form of government in Lee County. The committee shall meet as soon as practicable after its appointment and shall elect a chairman and such other officers as it may deem necessary. The study of the committee shall include but not be limited to the method of appointing members of county boards and commissions, the taxing power of the county, and the most efficient procedure leading to coordinated and harmonious relationship between the county legislative delegation and county council. To facilitate its study the committee may investigate county council forms of government in the State presently in operation and hold public hearings when deemed necessary. The members of the committee shall be allowed the usual per diem, mileage and subsistence as provided by law for members of boards, committees and commis-

sions. The committee shall report and make recommendations to the legislative delegation as soon as practicable prior to the beginning of the 1967 session of the General Assembly.

SECTION 2. Appropriation.—There is appropriated from the general fund of the county the sum of five hundred dollars, or so much thereof as may be necessary, to defray the expenses of the committee.

SECTION 3. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 8th day of June, 1966.

(R760, S499)

No. 1334

An Act To Repeal Act No. 523 Of 1955, Relating To Lexington County Water District No. 1.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Act 523 of 1955 repealed.—Act No. 523 of 1955 is repealed.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 16th day of February, 1966.

(R793, S493)

No. 1335

An Act Providing For The Creation Of Watershed Conservation Districts In Lexington County; The Election Of Directors, Their Powers And Duties; A Levy Of Taxes For The Organization And Administration Of The Districts And The Construction, Operation And Maintenance Of Works Of Improvement Within The Districts.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Definitions.—Whenever used or referred to in this act, unless a different meaning clearly appears from the context:

(1) "Watershed conservation district" means a governmental subdivision of this State and a public body corporate and politic, organ-

ized in accordance with the provisions of this act, for the purposes, with the powers and subject to the restrictions hereinafter set forth.

(2) "Director" means one of the members of the governing body of a watershed conservation district, elected in accordance with the provisions of this act.

(3) "Supervisor" means one of the members of the governing body of the Lexington Soil Conservation District in which any part of a watershed conservation district is situated.

(4) "Petition" means a petition filed under the provisions of Section 4 of this act for the creation of a watershed conservation district.

(5) "County" means Lexington County of South Carolina.

(6) "Landowner" or "owner of land" includes any person, firm or corporation who shall hold legal or equitable title to any lands lying within a watershed conservation district organized under the provisions of this act.

(7) "Due notice" means notice published at least twice, with an interval of at least one week between the two publication dates, in a publication of general circulation within the appropriate area, or, if no such publication of general circulation is available, notice posted at a reasonable number of conspicuous places within the appropriate area, such posting to include, where possible, posting at public places where it is customary to post notices concerning county or municipal affairs generally.

SECTION 2. Watershed conservation districts may be formed in Lexington County.—Authority is hereby granted to form watershed conservation districts within Lexington County for the purpose of developing and executing plans and programs relating to any phase of the control and prevention of soil erosion, flood prevention or the conservation, development, utilization and disposal of water.

SECTION 3. Area.—The area embraced in a watershed conservation district must be contiguous and must lie within a well-defined watershed and such area shall not include lands located within the boundary of any incorporated city or town, or lands embraced in another watershed conservation district.

SECTION 4. Petition for formation.—When twenty-five or more landowners within a proposed watershed conservation district, or, if less than fifty landowners are involved, a majority of such landowners, desire to form a watershed conservation district, they shall file a

petition with the supervisors of the soil conservation district asking that a watershed conservation district be organized to function in the area described in the petition. Such petition shall set forth the proposed name of the watershed conservation district; that there is need, in the interest of the public health, safety and welfare, for a watershed conservation district to function in the territory described in the petition; a description of the territory proposed to be organized as a watershed conservation district, which description need not be given by metes and bounds or by legal subdivisions, but shall be deemed sufficient if generally accurate; and the approximate number of acres of land included in the proposed watershed conservation district.

SECTION 5. Hearing on petition.—(1) Within thirty days after such petition has been filed with the supervisors of the soil conservation district, they shall cause due notice to be given of a hearing upon the question of the desirability and necessity, in the interest of the public health, safety and welfare, of the creation of such watershed conservation district. All interested parties shall have the right to attend such hearing and to be heard. If it shall appear at the hearing that other lands should be included in the petition or that lands included in the petition should be excluded, the supervisors shall permit such inclusion or exclusion, provided the land area involved still meets the requirements of Section 3 of this act.

(2) If it appears upon the hearing that it may be desirable to include within the proposed watershed conservation district territory outside of the area within which due notice of the hearing has been given, the hearing shall be adjourned and due notice of a further hearing shall be given throughout the entire area considered for inclusion in the proposed watershed conservation district, and such further hearing shall be held. After final hearing, if the supervisors of the soil conservation district determine, upon the facts presented at the hearing and upon other available information, that there is need, in the interest of the public health, safety and welfare, for a watershed conservation district to function in the territory considered at the hearing, they shall make and record such determination and shall define the area, but the description need not be given by metes and bounds. The description shall be deemed sufficient if generally accurate and the approximate number of acres of land included in the proposed watershed conservation district is shown.

(3) If the supervisors of the soil conservation district determine after such hearing that there is no need for a watershed conservation

district to function in the territory considered at the hearing, they shall make and record such determination and shall deny the petition.

SECTION 6. Referendum.—After the supervisors of the soil conservation district have made and recorded a determination that there is need, in the interest of the public health, safety and welfare, for a watershed conservation district to function in the territory considered at the hearing and have defined the boundaries thereof, they shall consider the question whether the operation of a watershed conservation district within the proposed boundaries with the powers conferred upon it by this act is administratively practicable and feasible. To assist the supervisors in making this determination, they shall, within a reasonable time after the entry of a finding that there is need for the organization of a watershed conservation district and the determination of the boundaries thereof, hold a referendum within the proposed watershed conservation district upon the proposition of the creation of the watershed conservation district. Due notice of the referendum shall be given by the supervisors. Such notice shall state the date of holding the referendum, the hours of opening and closing the polls and shall designate one or more places within the proposed watershed conservation district as polling places and shall give notice that the directors shall have the power of eminent domain. The supervisors shall have full charge of the referendum and shall have suitable ballots printed and furnished to each polling place; appoint necessary box managers and other referendum officials, and shall canvass the ballots and announce the results. The cost of holding the referendum shall be paid from the general fund of Lexington County. *Provided*, that notwithstanding any provision of law to the contrary the power of eminent domain shall not be exercised over the protest of any landowner until it is conclusively established that the land proposed to be condemned is absolutely essential to the creation and operation of the watershed conservation district.

SECTION 7. Question.—The question to be voted on shall be submitted by ballots upon which appear the words:

“For creation of Watershed Conservation District”

“Against creation of Watershed Conservation District”

A square shall follow each proposition. The ballot shall contain a direction to insert an “X” mark in the square following one or the other of the propositions as the voter may favor or oppose creation of the watershed conservation district. The ballot shall set forth the

boundaries of the proposed watershed conservation district as determined by the supervisors of the soil conservation district. The qualified electors of the district shall be eligible to vote in the referendum. Qualified voters may vote by absentee ballot in the referendum under such rules and regulations as may be prescribed by the supervisors. No informalities in the conduct of the referendum or in any matters relating thereto shall invalidate the referendum or the result thereof if notice of the referendum shall have been given substantially as herein provided and the referendum shall have been fairly conducted.

SECTION 8. Results—district to be created if results and determination favorable.—The votes shall be counted by the referendum officials at the close of the polls and a report of the results along with the ballots shall be delivered and certified to the supervisors of the soil conservation district; and thereafter the supervisors shall determine whether the operation of the watershed conservation district within the defined boundaries is administratively practicable and feasible. If the supervisors determine that the operation of such district is not administratively practicable and feasible, they shall record such determination and deny the petition. If the supervisors determine that the operation of such district is administratively practicable and feasible, they shall record such determination and shall proceed with the organization of such district in the manner hereinafter set forth; *provided*, however, that the supervisors shall not have authority to determine that the operation of such district is administratively practicable and feasible unless at least a majority of the votes cast in the referendum upon the proposition of the creation of such district shall have been cast in favor of the creation of such district. If the supervisors shall determine that the operation of such district is administratively practicable and feasible, they shall certify such determination to the Clerk of Court of Lexington County, the Code Commissioner and the Secretary of State. Upon proper recordation of such determination, such watershed conservation district shall constitute a governmental subdivision of this State and a public body corporate and politic. After being recorded, such certification shall be filed with the State Soil Conservation Committee.

SECTION 9. Board of directors to govern district—nominating petitions — election — ballots — terms — officers — bond of treasurer.—(1) The governing body of the watershed conservation district shall consist of five directors, elected as provided herein.

(2) Within thirty days after a watershed conservation district has been created, nominating petitions may be filed with the supervisors of the soil conservation district to nominate candidates for directors of the watershed conservation district. No such nominating petition shall be accepted by the supervisors unless it is signed by twenty-five or more landowners within the watershed conservation district, or, if less than fifty landowners are involved, by a majority of such landowners. If the candidates nominated do not exceed the number of directors to be chosen, the supervisors shall declare them to be elected. No person shall be eligible to be a director of a watershed conservation district who is not a landowner in the watershed conservation district in which he seeks election.

(3) If the candidates nominated for directors of the watershed conservation district exceed the number of directors to be chosen, the supervisors of the soil conservation district shall, after having given due notice thereof, cause an election to be held within the watershed conservation district within a reasonable time after the expiration of the nominating period. The provisions of Sections 5, 6 and 7 of this act as to notice, qualifications of voters, absentee voting, and the manner of holding the referendum in organizing a watershed conservation district shall apply, insofar as practicable, to the election of the directors. The names of all qualified nominees shall be printed in alphabetical order upon ballots with a square before each name and a direction to insert an "X" mark in the square before any five names to indicate the voter's preference. The qualified electors of the district shall be eligible to vote in the election. The five candidates who shall receive the largest number respectively of the votes cast in the election shall be the directors of the watershed conservation district and shall, upon the supervision of the supervisors of the soil conservation district, be the governing body of the watershed conservation district.

(4) Of the directors first elected, the two receiving the largest number of votes shall serve for terms of four years, the two receiving the next largest number of votes shall serve for terms of three years, and the one receiving the next largest number of votes shall serve for a term of two years. The term of office of each of their successors shall be for four years. Any vacancy shall be filled for the unexpired term as provided to original directors.

(5) The directors shall annually designate from among their number a chairman, secretary and treasurer. The treasurer shall execute

an official bond for the faithful performance of the duties of his office, to be approved by the directors. Such bond shall be executed by a surety company authorized to do business in this State and shall be in an amount determined by the directors. The premium on each bond shall be paid by the watershed conservation district.

SECTION 10. District to be corporate body—powers and duties.—A watershed conservation district organized under the provisions of this act shall constitute a governmental subdivision of this State, and a public body corporate and politic, exercising public powers, and such district and the directors thereof shall, subject to the approval of the supervisors of the soil conservation district, have the following powers, in addition to others granted in other sections of this act:

(1) To acquire, by purchase, exchange, lease, gift, grant, bequest, devise or otherwise, or through condemnation proceedings in the manner provided in Sections 25-101 through 25-140 and Sections 33-121 through 33-148, Code of Laws of South Carolina, 1962, such lands, easements or rights-of-way as are needed to carry out any authorized purpose of the watershed conservation district; and to sell, lease or otherwise dispose of any of its property or interests therein in furtherance of the purposes and provisions of this act;

(2) To construct, reconstruct, repair, enlarge, improve, operate, and maintain such works of improvement as may be necessary or convenient for the performance of any of the operations authorized by this act;

(3) To borrow money and to execute promissory notes and other evidences of debt in connection therewith for payment of the costs and expenses of organizing the watershed conservation district for carrying out any authorized purpose of such district, and if promissory notes are issued, to execute such mortgages on any property owned by such district, or assign or pledge such revenues or assessments of such district as may be required by the lender as security for the repayment of the loan; and to issue, negotiate and sell its bonds as provided in Section 11 of this act;

(4) To levy an annual tax on the real property within the district subject to the limitations provided in Section 13 of this act for payment of the costs and expenses of organizing the watershed conservation district or for carrying out any authorized purpose of such district. Such levy shall be made only after approval by the supervisors of the soil conservation district and the county legislative delegation and upon notifying the county auditor.

SECTION 11. Bonds not to be issued unless referendum held.

—(1) Bonds authorized by Section 10 of this act shall not be issued until proposed by order or resolution of the directors of the watershed conservation district, specifying the purpose for which the funds are to be used and the proposed undertaking, the amount of bonds to be issued, the rate of interest they are to bear, and the amount of any necessary tax levy in excess of the maximum authorized in Section 13 of this act. A copy of the order or resolution shall be certified to the supervisors of the soil conservation district.

(2) The supervisors shall hold a hearing on such proposal after having given due notice. If it appears that the proposal is within the scope and purpose of this act and meets all other requirements of the law, the proposal shall be submitted to the qualified electors of the district by a referendum held by the supervisors.

(3) The provisions of Sections 5, 6 and 7 of this act as to notice, qualifications of voters, absentee voting and manner of holding the referendum in organizing a watershed conservation district shall apply to the referendum held under this section.

(4) If two-thirds of the votes cast in such referendum favor the proposal, the directors shall, with the approval of the supervisors, be authorized to issue such bonds.

SECTION 12. Compensation.—The directors of the watershed conservation district shall receive no compensation for their services, but they may be reimbursed for expenses, including traveling expenses, necessarily incurred in the performance of their duties as approved by the supervisors of the soil conservation district.

SECTION 13. Budget—tax levy.—Within the first quarter of each calendar year, the directors of the watershed conservation district shall prepare an itemized budget of the funds needed for administration of the watershed conservation district and for construction, operation and maintenance of works of improvement. After approval of such budget by the supervisors of the soil conservation district, the county auditor shall levy a tax sufficient to meet such budget on all real property within the watershed conservation district of not to exceed five mills on each dollar of assessed valuation, except that this limitation shall not apply to any levy necessary to provide a sinking fund for the retirement of bonds authorized by Section 11 of this act. A copy of such budget shall be certified to the Auditor of Lexington County.

SECTION 14. List of landowners and acres subject to assessment.—(1) The directors of the watershed conservation district with the assistance of the county auditor shall prepare a list of the landowners involved showing the number of acres subject to assessment.

(2) When the property tax rolls are delivered to the county treasurer by the county auditor, as required by law, the county treasurer shall compute the tax due the watershed conservation district from each landowner in accordance with the rate fixed by the directors and the value of the real property indicated on the tax roll. The computation shall be made on the regular tax bills.

SECTION 15. Collection of taxes.—(1) The county treasurer shall collect the taxes due the watershed conservation district at the same time and in the same manner as he collects other taxes of the county.

(2) The taxes shall be subject to the same due and delinquency dates, discounts, penalties and interest as are applied to the collection of county taxes.

SECTION 16. Expenditures.—Tax funds collected shall be transferred to and held by the treasurer of the watershed conservation district for the specific purpose for which they have been collected. All expenditures of such funds shall be made by the directors of the watershed conservation district with the approval of the supervisors of the soil conservation district.

SECTION 17. Petition to have lands detached.—The owners of lands which have not been, are not and cannot be benefited by their inclusion in the watershed conservation district may petition the supervisors of the soil conservation district to have such lands detached. The petition shall describe such lands and state the reasons why they should be detached. A hearing shall be held by the supervisors within thirty days after the petition is filed and due notice of such hearing shall be given by the supervisors. If it is determined by the supervisors that such lands shall be detached, such determination shall be certified to the Auditor of Lexington County for recording. After being recorded, the certification shall be filed with the State Soil Conservation Committee.

SECTION 18. Petition for discontinuance of district—hearing—referendum—discontinuance if election and determination favorable.—(1) At any time after five years after the organization of a watershed conservation district, twenty-five or more land-

owners within such district, or if less than fifty landowners are involved, a majority of such landowners, may file a petition with the supervisors of the soil conservation district asking that the existence of the watershed conservation district be discontinued. The petition shall state the reasons for discontinuance, and that all obligations of the watershed conservation district have been met. The supervisors may conduct such hearings upon the petition as may be necessary to assist them in the consideration thereof.

(2) Within sixty days after petition has been filed with the supervisors they shall give due notice of the holding of a referendum. The supervisors shall hold such referendum substantially as provided for in Section 11 of this act. The question shall be submitted by ballots upon which the words "For terminating the existence of the Watershed Conservation District" and "Against terminating the existence of Watershed Conservation District" shall be printed, with a square before each proposition and a direction to insert an "X" mark in the square before one or the other of the propositions as the voter may favor or oppose the discontinuance of such watershed conservation district. The qualified electors of the watershed conservation district shall be eligible to vote in the referendum. No informality in the conduct of the referendum or in any matters relating thereto shall invalidate the referendum or the results thereof if notice of the referendum shall have been given substantially as herein provided and the referendum shall have been fairly conducted.

(3) The supervisors shall publish the results of the referendum and shall thereafter determine whether the continued operation of the watershed conservation district is administratively practicable and feasible. If the supervisors determine that the continued operation of the watershed conservation district is administratively practicable and feasible, they shall record such determination and deny the petition. If the supervisors determine that the continued operation of the watershed conservation district is not administratively practicable and feasible, they shall record such determination and shall certify such determination to the directors of the watershed conservation district; *provided*, however, that the supervisors shall not be authorized to determine that the continued operation of the watershed conservation district is administratively practicable and feasible unless at least a majority of the votes cast in the referendum shall have been cast in favor of the continuance of the watershed conservation district.

(4) Upon receipt from the supervisors of a certification that they have determined that the continued operation of the watershed conservation district is not administratively practicable and feasible, the directors shall forthwith proceed to terminate the affairs of the watershed conservation district. A copy of the determination shall be certified to the Auditor of Lexington County for recording. After being recorded, the certification shall be filed with the State Soil Conservation Committee.

SECTION 19. Supervisory authority if district discontinued.—If the Lexington Soil Conservation District is discontinued, all supervisory authority over the affairs of the watershed conservation district which was previously exercised by the supervisors shall thereafter be exercised by the governing body of Lexington County.

SECTION 20. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 18th day of February, 1966.

(R808, H1961)

No. 1336

An Act Authorizing The Board Of Trustees Of School District No. 5 Of Lexington And Richland Counties To Borrow Not Exceeding Two Hundred Fifty Thousand Dollars For The Construction Of A School Building In The District And To Provide For The Payment Of The Loan.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. School District 5 of Lexington and Richland Counties may borrow money.—The Board of Trustees of School District No. 5 of Lexington and Richland Counties may borrow for the purpose of constructing a school building a sum not exceeding two hundred fifty thousand dollars from the Division of General Services of the State Budget and Control Board or from any other source at a rate of interest not to exceed four per cent per annum.

SECTION 2. Payment.—For the payment of the loan the board shall pledge two hundred fifty thousand dollars of the proceeds of a proposed bond issue for the proposed school building.

SECTION 3. Payment further.—If for any reason bonds are not issued for the construction of the proposed school building, then for the payment of the note the Auditors of Lexington and Richland Counties shall levy and the treasurers shall collect an annual tax on all taxable property of the school district sufficient to retire the loan and interest due thereon and the entire proceeds of such levy shall be applied to the payment of the loan and interest thereon. When the principal and interest are paid in full the levy shall terminate. The full faith, credit and taxing power of the district are hereby irrevocably pledged to the payment of the indebtedness provided for in this act.

SECTION 4. Payment further.—Should there be any default in any payment on the loan, the State Treasurer is authorized to withhold funds accruing to District No. 5 and transmit such funds to the Division of General Services.

SECTION 5. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 25th day of February, 1966.

(R884, H2189)

No. 1337

An Act To Authorize The Treasurer Of Lexington County To Transfer Ninety-Eight Thousand Dollars From The General Fund Of The County To The Miscellaneous Contingent Fund Of The County.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Lexington County treasurer may transfer funds.—The treasurer of Lexington County is hereby authorized and directed to transfer the sum of ninety-eight thousand dollars from the general fund of the county to the miscellaneous contingent fund of the county.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 17th day of March, 1966.

(R919, H2311)

No. 1338

An Act To Authorize The Board Of Trustees Of Lexington County School District No. 1 To Issue General Obligation Coupon Bonds or Coupon Notes Of The District In A Sum Not To Exceed Fifty Thousand Dollars, The Proceeds Of Which Shall Be Used For Classroom Construction At Lexington High School, And To Provide For The Payment Thereof.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Bonds may be issued.—The Board of Trustees of Lexington County School District No. 1 is authorized to issue and sell general obligation coupon bonds or coupon notes of the district in a sum not to exceed fifty thousand dollars, the proceeds of which shall be used for classroom construction at Lexington High School.

SECTION 2. Principal and interest.—The principal and interest on the bonds or notes shall be paid as determined by the board of trustees. The auditor and treasurer of the county, respectively, shall levy and collect annually a tax upon all taxable property within the school district sufficient to pay the principal and interest as they become due.

SECTION 3. Denomination—maturity—interest.—The bonds or notes shall be issued in denominations so as to conform to the maturity schedule set forth in Section 2 of this act and shall bear interest at the lowest rate obtainable.

SECTION 4. Form—sale.—The bonds or notes shall be in such form as the trustees may determine and, together with the coupons, signed by a majority of the members of the board of trustees. They may be sold at public or private sale, with such advertisement as the board of trustees may determine.

SECTION 5. Proceeds.—The proceeds from the sale of the bonds or notes shall be deposited with the county treasurer to the credit of the school district and shall be disbursed by warrants drawn thereon for the purpose set out in Section 1.

SECTION 6. Payment.—For the payment of the bonds or notes and interest thereon, the full faith, credit and taxing power of Lexington County School District No. 1 are hereby irrevocably pledged.

SECTION 7. Exempt from taxes.—The bonds or notes and all interest to become due thereon shall have the tax exempt status prescribed by Section 65-4.1 of the 1962 Code.

SECTION 8. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 24th day of March, 1966.

(R996, H2402)

No. 1339

An Act To Provide For A Referendum To Determine The Wishes Of The Qualified Electors Of Lexington County In Regard To The Construction And Operation Of Certain Hospital Facilities.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Referendum on hospital, Lexington County.—The Lexington County Commissioners Of Election shall conduct a referendum on June 14, 1966 to ascertain the wishes of the qualified electors of the county on the question of whether they most favor: (a) the construction of a general hospital located on property presently owned by the county and situate approximately one block south of the Town of Lexington; (b) the construction of a community hospital located in the Batesburg-Leesville area and the construction of a general hospital located near West Columbia and Cayce; or (c) the construction of a community hospital located in the Batesburg-Leesville area to be operated in conjunction with a general hospital facility located in Richland County and jointly owned and operated by Lexington and Richland Counties. The commissioners of election shall publish the information relating to the referendum once a week for two consecutive weeks in a newspaper having general circulation in the county.

SECTION 2. Question—ballots.—The commissioners of election shall have printed a sufficient number of ballots and have them distributed at the voting places. The ballots shall read as follows: "Which one of the following proposals do you most favor:

(a) the construction of a general hospital located on property presently owned by the county and situate approximately one block south of the Town of Lexington ☐

(b) the construction of a community hospital located in the Batesburg-Leesville area and the construction of a general hospital located near West Columbia and Cayce ☐

(c) the construction of a community hospital located in the Batesburg-Leesville area to be operated in conjunction with a general hospital facility located in Richland County and jointly owned and operated by Lexington and Richland Counties ☐

Those voting shall deposit a ballot with a check or cross mark in the square following the proposal which they most favor.

All costs of the referendum shall be paid from the general fund of the county.

SECTION 3. Results.—In the event that none of the three questions proposed in Section 2 of this act receive a majority of the votes cast pursuant to this act then the two questions receiving the highest number of votes shall be submitted in a like manner to the voters in the general election held in 1966.

SECTION 4. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 13th day of April, 1966.

(R999, H2409)

No. 1340

An Act To Provide For A Referendum To Determine The Wishes Of The Qualified Electors Of Lexington County As To Whether Or Not The County Courthouse And County Jail Should Be Renovated At A Cost Not To Exceed Six Hundred Thousand Dollars And Financed By The Issuance Of General Obligation Bonds.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Referendum to be conducted.—The Lexington County Commissioners of Election shall conduct a referendum on June 14, 1966 to ascertain the wishes of the qualified electors of the county on the question of whether or not they favor the renovation of the county courthouse and county jail at a cost not to exceed six hundred thousand dollars to be financed by the issuance of general obligation bonds. The commissioners of election shall publish the information relating to the referendum once a week for two consecutive weeks in a newspaper having general circulation in the county.

SECTION 2. Question—ballots.—The commissioners of election shall have printed a sufficient number of ballots and have them

distributed at the voting places. The ballots shall read as follows:
“Do you favor the renovation of the county courthouse and county jail at a cost not to exceed six hundred thousand dollars to be financed by the issuance of general obligation bonds?”

In favor of ☐

Opposed to ☐

Those voting in favor of the question shall deposit a ballot with a check or cross mark in the square after the words ‘In favor of’, and those voting against the question shall deposit a ballot with a check or cross mark in the square after the words ‘Opposed to’.”

All costs of the referendum shall be paid from the general fund of the county.

SECTION 3. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 13th day of April, 1966.

(R1030, H2159)

No. 1341

An Act Authorizing The Division Of General Services Of The State Budget And Control Board To Convey To Lexington County School District No. 2 A Certain Tract Of Land.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Division of General Services may convey property to School District No. 2, Lexington County.—The Division of General Services of the State Budget and Control Board is authorized to convey to Lexington County School District No. 2 no more than fifty acres of that tract of land lying and being situate at the corner of Fish Hatchery Road and Pineridge Road in Lexington County at a price to be mutually agreed upon, based on the current market value. In establishing the price of the land, the Division of General Services shall take into consideration the fact that the property is being conveyed to a political subdivision of the State.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 22nd day of April, 1966.

(R1137, H2532)

No. 1342

An Act To Provide For The Issuance Of Obligations Of Lexington County For The Construction Of A Library, To Prescribe The Terms And Conditions Under Which Such Obligations Shall Be Disposed Of And To Make Provision For The Payment Thereof.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Findings of General Assembly.—The General Assembly finds that in the course of construction of a public library for Lexington County which is to be located in Batesburg-Leesville area, Lexington County must raise, in addition to other moneys appropriated or donated for such purpose, the sum of twenty-five thousand dollars.

SECTION 2. County board may borrow money.—In order to provide moneys to defray a portion of the cost of construction of a public library in Lexington County, the County Board of Commissioners (the county board) is authorized to borrow not exceeding twenty-five thousand dollars.

SECTION 3. Bonds may be issued.—The sum so borrowed may be evidenced in the form of notes or bonds and may be sold and disposed of by the county board at public or private sale, and on such terms and conditions as the county board shall determine.

SECTION 4. Issue.—The obligations authorized by this act shall be issued as a single issue.

SECTION 5. Form.—The obligations authorized by this act shall be in such form and tenor, and in such denominations and shall mature in such annual series or installments as the county board shall provide for, except that the last maturing obligation shall mature not later than ten years from the date as of which it shall be issued.

SECTION 6. Redemption.—The obligations issued pursuant to this act may be issued with a provision for their redemption prior to their stated maturities at par and accrued interest, plus such redemption premium as may be prescribed by the county board, but no obligation issued pursuant to this act shall be redeemable before its maturity unless it contains a statement to that effect. If the obligations are made subject to redemption, provision shall be made in the proceedings authorizing such redemption, specifying the manner of call and the notice thereof that must be given.

SECTION 7. Where payable.—The obligations issued pursuant to this act shall be made payable at such place or places, within or without the State, as the County Board shall provide.

SECTION 8. Interest.—Obligations issued pursuant to this act shall bear interest at rates determined by the County Board.

SECTION 9. Execution.—The obligations issued pursuant to this act, and the coupons (if any) to be thereunto attached, shall be executed in such manner as the County Board shall by resolution provide.

SECTION 10. Sale.—The obligations issued pursuant to this act shall be sold at a price of not less than par and accrued interest to the date of their respective deliveries.

SECTION 11. Payment.—For the payment of the principal and interest of all obligations issued pursuant to this act, as they respectively mature, and for the creation of such sinking fund as may be necessary therefor, the full faith, credit and taxing power of Lexington County shall be irrevocably pledged, and there shall be levied annually by the Auditor of Lexington County, and collected by the Treasurer of Lexington County, in the same manner as county taxes are levied and collected, a tax without limit on all taxable property in Lexington County, sufficient to pay the principal and interest of such obligations as they respectively mature, and to create such sinking fund as may be necessary therefor.

SECTION 12. Exempt from taxes.—The principal and interest of any obligation issued pursuant to this act shall have the tax exempt status prescribed by Section 65-4.1 of the 1962 Code.

SECTION 13. Proceeds.—The proceeds derived from the sale of obligations issued pursuant to this act shall be paid to the Treasurer of Lexington County, and shall be expended and made use of as follows:

(a) Any accrued interest shall be applied to the payment of the first installment of interest to become due on such obligations.

(b) Any premium shall be applied to the payment of the first installment of principal of such obligations.

(c) The remaining proceeds shall be applied on the warrant of the County Board to the costs of constructing a public library in Lexington County to be owned by Lexington County; *provided*, that the purchasers thereof shall in no way be responsible for the proper application of the proceeds.

SECTION 14. Powers to be additional.—The powers and authorizations hereby conferred upon the County Board shall be in addition to all other powers and authorizations previously vested therein, and may be exercised by the County Board at any regular or special meeting through the adoption of a resolution or resolutions to take effect immediately upon their adoption.

SECTION 15. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 4th day of May, 1966.

(R1203, H2570)

No. 1343

An Act To Amend Section 2 Of Act No. 1304 Of 1964, Relating To Six Mile Creek Public Sewer District, So As To Redefine The Area Included In The District.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 2 of Act 1304 of 1964 amended—area of Six Mile Creek Public Sewer District redefined.—Section 2 of Act No. 1304 of 1964 is amended by striking lines 8 through 40 of the section and inserting in lieu thereof the following, so as to redefine the area of the district.

“Beginning at the intersection of Platt Springs Road and Ermine Road; thence running along the western boundary of Ermine Road in a northerly direction to a point five hundred (500') feet south of the center line of the Southern Railroad; thence turning and running in a westerly direction in a straight line to the southeastern corner of Lot No. 5, as shown on a plat of a subdivision known as ‘Rose Gardens’ which is recorded in the office of the Clerk of Court of Lexington County, in Plat Book 53-G at page 29; thence turning and running in a southerly direction for thirteen hundred (1,300') feet to the southeastern corner of Lot No. 18, as shown on the plat; thence turning and running in a westerly direction for the distance of four hundred forty-seven (447') feet to the southwestern corner of Lot No. 19, as shown on the plat; thence turning and running in a northerly direction along the western boundary, as shown on the plat, to the northwestern corner of Lot No. 29, as shown on the plat, and

continuing in a straight line to the center line of the Southern Railroad; thence turning and running in a westerly direction along the center line to the point opposite where Oak Road intersects U. S. Highway No. 1; thence running in a northerly direction along the western boundary of Oak Road to a point where the line intersects the northern boundary of Helenwood Road; thence turning and running in a northeasterly direction to a point where the northern boundary of Woodberry Road intersects the western boundary of Jessamine Road; and thence turning and running in a northerly direction along the western boundary of Jessamine Road to a point where the line intersects with the northern boundary of Mineral Spring Road; thence turning and running in an easterly direction along the northern boundary of Mineral Spring Road to a point opposite the extended center line of Spring Road; thence turning and running in a northerly direction for a distance of three hundred (300') feet; and thence turning and running in an easterly direction in a line parallel to the northern boundary of Mineral Spring Road to a point at the northern boundary of Leaphart Road; thence turning and running in a southeasterly direction along Leaphart Road to U. S. Highway No. 1; thence turning and running in a westerly direction along U. S. Highway No. 1 to the intersection of Leslie Drive; thence turning and running in a southerly direction in a straight line along Leslie Drive and the line extending to a point where it intersects the center line of the Southern Railroad; and thence turning and running in an easterly direction along the center line to a point where it intersects with Dreher Road; and thence turning and running in a southerly direction along Dreher Road to the Platt Springs Road; thence turning and running in a northeasterly direction along Platt Springs Road for a distance of two hundred (200') feet; thence turning and running in a southerly direction along a line parallel to Dreher Road to a point two hundred (200') feet north of the intersection of Kirkland Street and Dreher Road; thence turning and running in an easterly direction parallel to Kirkland Street to the eastern boundary of Sox Street; thence turning and running in a southerly direction along Sox Street to the point where it intersects with the present Cayce boundary line; and thence turning in a westerly direction and following such boundary line to U. S. Highway No. 215; thence turning and running

in a southwesterly direction along U. S. Highway No. 215 to Boston Avenue; thence turning and running in a northerly direction along Boston Avenue to Kittyhawk Drive; thence turning and running in a northerly direction along Kittyhawk Drive to a point where the present Springdale Town boundary turns in a westerly direction and thence following such boundary to the point where it intersects with Platt Springs Road; thence turning and running in a westerly direction along Platt Springs Road to Ermine Road, the point of beginning."

When so amended, the section shall read as follows:

"Section 2. There is hereby created and established in Lexington County a special purpose district to be known as 'Six Mile Creek Public Sewer District', which district shall be a public corporation of perpetual succession, and shall have the area and functions prescribed by this act and any subsequent act, amendatory thereof. The district shall include and be comprised of that area of Lexington County as follows:

Beginning at the intersection of Platt Springs Road and Ermine Road; thence running along the western boundary of Ermine Road in a northerly direction to a point five hundred (500') feet south of the center line of the Southern Railroad; thence turning and running in a westerly direction in a straight line to the south-eastern corner of Lot No. 5, as shown on a plat of a subdivision known as 'Rose Gardens' which is recorded in the office of the Clerk of Court of Lexington County, in Plat Book 53-G at page 29; thence turning and running in a southerly direction for thirteen hundred (1,300') feet to the southeastern corner of Lot No. 18, as shown on the plat; thence turning and running in a westerly direction for the distance of four hundred forty-seven (447') feet to the southwestern corner of Lot No. 19, as shown on the plat; thence turning and running in a northerly direction along the western boundary, as shown on the plat, to the northwestern corner of Lot No. 29, as shown on the plat, and continuing in a straight line to the center line of the Southern Railroad; thence turning and running in a westerly direction along the center line to the point opposite where Oak Road intersects U. S. Highway No. 1; thence running in a northerly direction along the western boundary of Oak Road to a point where the line intersects the northern boundary of Helenwood Road; thence turning and running in a northeasterly direction to a point where

the northern boundary of Woodberry Road intersects the western boundary of Jessamine Road; and thence turning and running in a northerly direction along the western boundary of Jessamine Road to a point where the line intersects with the northern boundary of Mineral Spring Road; thence turning and running in an easterly direction along the northern boundary of Mineral Spring Road to a point opposite the extended center line of Spring Road; thence turning and running in a northerly direction for a distance of three hundred (300') feet; and thence turning and running in an easterly direction in a line parallel to the northern boundary of Mineral Spring Road to a point at the northern boundary of Leaphart Road; thence turning and running in a southeasterly direction along Leaphart Road to U. S. Highway No. 1; thence turning and running in a westerly direction along U. S. Highway No. 1 to the intersection of Leslie Drive; thence turning and running in a southerly direction in a straight line along Leslie Drive and the line extending to a point where it intersects the center line of the Southern Railroad; and thence turning and running in an easterly direction along the center line to a point where it intersects with Dreher Road; and thence turning and running in a southerly direction along Dreher Road to the Platt Springs Road; thence turning and running in a northeasterly direction along Platt Springs Road for a distance of two hundred (200') feet; thence turning and running in a southerly direction along a line parallel to Dreher Road to a point two hundred (200') feet north of the intersection of Kirkland Street and Dreher Road; thence turning and running in an easterly direction parallel to Kirkland Street to the eastern boundary of Sox Street; thence turning and running in a southerly direction along Sox Street to the point where it intersects with the present Cayce boundary line; and thence turning in a westerly direction and following such boundary line to U. S. Highway No. 215; thence turning and running in a southwesterly direction along U. S. Highway No. 215 to Boston Avenue; thence turning and running in a northerly direction along Boston Avenue to Kittyhawk Drive; thence turning and running in a northerly direction along Kittyhawk Drive to a point where the present Springdale Town boundary turns in a westerly direction and thence following such boundary to the point where it intersects with Platt Springs Road; thence turning and running in a westerly direction along Platt Springs Road to Ermine Road, the point of beginning.

As soon as convenient, and prior to the occasion set for the holding of the special election herein authorized, a plat of the district shall be prepared and copies thereof shall be filed in the offices of the Auditor, the Treasurer and the Clerk of Court for Lexington County."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 10th day of May, 1966.

(R1365, H2592)

No. 1344

An Act To Provide For The Levy Of Taxes For Ordinary County Purposes In Lexington County For The Fiscal Year Beginning July 1, 1966, And To Provide For The Expenditure Thereof.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. There is hereby levied from July 1, 1966, through June 30, 1967, a tax of twelve mills, or an additional amount if necessary, on all taxable property in Lexington County for county purposes which, together with all further sums available for such purposes, shall be used for the payment of the items hereinafter set forth; *provided*, that all salaries herein appropriated shall be paid in monthly installments, with the exception of the Welfare Board, and the total of such items, other than salaries, shall be expended only as so much be necessary.

Item 1. Administrative Department:

A. County Auditor:

1. County Auditor salary—Less amount paid by State	\$ 7,500.00
2. Deputy Clerk to County Auditor	4,750.00
3. First Clerk to County Auditor	3,850.00
4. Second Clerk to County Auditor	3,400.00
5. Third Clerk to County Auditor	3,100.00
6. Fourth Clerk to County Auditor	2,900.00
7. Travel, County Auditor	800.00
8. Fifth Clerk to County Auditor	2,750.00

Provided, that the Auditor go to each town in the county for the purpose of taking tax assessments.

B. Clerk of Court:

1. Clerk of Court, salary—Less amount paid by State	7,500.00
2. Deputy Clerk of Court	4,975.00
3. First Clerk to Clerk of Court	3,520.00
3a. Court Deputy	3,520.00
4. Second Clerk to Clerk of Court	3,520.00
5. Third Clerk to Clerk of Court	3,520.00
6. Fourth Clerk to Clerk of Court	3,100.00
7. Fifth Clerk to Clerk of Court	2,750.00
8. Part-time clerical assistance	4,500.00

Provided, that the balance remaining in Item 8 from prior appropriations shall be carried forward to the 1966-1967 fiscal year and that that balance, plus the amount herein provided, shall be used for part-time clerical assistance.

C. County Treasurer:

1. County Treasurer, salary—Less amount paid by State	7,500.00
2. Deputy County Treasurer	4,750.00
3. First Clerk to County Treasurer (tax)	3,850.00
4. Second Clerk to County Treasurer (fee)	3,850.00
5. Part-time clerical assistance	3,000.00

D. Board of Commissioners:

1. Commissioners' salaries, four at \$2,000.00	8,000.00
2. Clerk to County Commissioners, salary	4,975.00
3. Deputy Clerk to County Commissioners	3,820.00
4. Travel, County Commissioners, three at \$1,400-.00, Chairman at \$1,700.00	5,900.00
5. Secretary to Delegation and Civil Defense	3,300.00

Item 2. Judicial Department:

A. Jurors, witnesses, and bailiffs	\$ 35,000.00
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Provided, that all court attaches, petit jurors and jurors of the court of general sessions and the court of common pleas shall be paid at the rate of ten dollars per diem; *provided*, further, that the court crier and chief bailiff shall be paid at the rate of fourteen dollars per diem. *Provided*, further, that all jurors shall be paid mileage at the rate of seven cents per mile in traveling to and from court.

B. Probate Court:

1. Probate Judge, salary	7,500.00
2. Deputy to Probate Judge	4,050.00
3. First Clerk to Probate Judge	3,200.00

Provided, that the salary of the Probate Judge shall be in lieu of all fees, which fees shall be paid to the general fund of the county:

C. Juvenile-Domestic Relations Court:

1. Judge's salary	8,500.00
2. Probation Officer	5,750.00
3. Clerk-Stenographer	4,150.00
4. Clerk	2,750.00
5. Travel for Probation Officer	1,400.00

D. Salaries of Magistrates:

District No. 1	3,800.00
District No. 2	3,500.00
District No. 3	3,500.00
District No. 4	3,500.00
District No. 5	3,500.00
District No. 6	3,500.00

Provided, that during the week days each magistrate shall have regular office hours of a minimum of two hours per day and shall give public notice of such hours.

E. Salaries of Magistrates' Constables:

District No. 1, Salary	\$4,325.00	
Travel	900.00	5,225.00
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District No. 2, Salary	4,325.00	
Travel	900.00	5,225.00
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District No. 3, Salary	4,325.00	
Travel	900.00	5,225.00
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District No. 4, Salary	4,325.00	
Travel	900.00	5,225.00
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District No. 5, Salary	4,325.00	
Travel	900.00	5,225.00
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District No. 6, Salary	4,325.00	
Travel	900.00	5,225.00

Provided, that the Constables shall be employed full time and be equipped with a car radio and shall police and patrol the district under the direction and control of the Sheriff's office when not otherwise engaged in official business attendant to the office of Magistrate.

Provided, further, that all Constables shall relieve the Sheriff's office for night duty under the direction and control of the Sheriff's Department when called upon by the Sheriff to do so, but not more often than once every three weeks.

Provided, further, that all Magistrates' Constables, to be qualified to receive the salaries herein set forth, shall be qualified graduates of the South Carolina Law Enforcement Division School for Officers, and all Constables subsequently appointed must within one year after their appointment become graduates of the school for officers, and certificate of completion presented to the Board of Commissioners.

Provided, further, that travel, gasoline, uniforms and radio will not be provided to any Constable who elected by July 1, 1966 not to meet the provisions set forth above, such election shall be in writing and submitted to the County Board of Commissioners not later than July 1, 1966.

Provided, further, any new Constable shall make the election upon appointment.

F. Coroner :

1. Coroner's salary	4,950.00
2. Coroner's travel	1,400.00

Provided, that all death certificates shall be signed by a competent medical doctor after the doctor has examined the body of the deceased, for which services the doctor shall receive a fee of not more than twenty-five dollars. This only applies to instances where the Coroner is called to investigate a death.

3. Post Mortems, inquests, recorders, and jury pay	1,200.00
4. Medical services and post mortems	2,000.00
5. Deputy Coroner	250.00

Item 3. Law Enforcement:

A. Office of Sheriff:

1. Salary	\$ 7,500.00
2. Travel expense	1,400.00

B. Deputy Sheriffs:

1. Salary of Deputy Sheriffs, seven at \$4,975.00 each per annum, and one chief deputy at \$5,300.00, and one chief investigator at \$5,300.00	45,425.00
2. Travel expense, nine at \$1,400.00 per annum	12,600.00
3. Process Server, salary	4,975.00
4. Process Server, travel	1,400.00
5. (a) Purchase of gasoline and oil	13,500.00
(b) Service of radio agreement	2,500.00
(c) Repairs to radio	1,500.00
6. Uniforms for Deputy Sheriffs and Jailors	3,000.00

Provided, that the Chief Deputy so designated by the Sheriff shall have full authority to act for and in behalf of the Sheriff in the absence of the Sheriff.

Provided, further, that sums herein appropriated for travel expenses for the Sheriff and his Deputies shall be the only sum paid to the Sheriff and his Deputies for travel expenses in criminal matters, and they shall not receive extra pay for the transferring or transporting of prisoners and insane persons, the same being in the regular line of duty.

Provided, further, to be eligible to receive the salaries herein provided, all Deputy Sheriffs must within one year after appointment be graduated from the Law Enforcement School for Officers.

C. Jail:

1. Jail Expenses	18,000.00
2. Jailor	3,500.00
3. Jailor	3,300.00
4. Jailor	3,300.00
5. Clerk to Sheriff's Department	2,910.00

- D. Office of Tax Collector:
1. Salary of Deputy Tax Collector 3,725.00
 2. Clerk to Tax Collector 2,900.00
- Item 4. Public Works, Roads, and Bridges:
- A. District salaries of employees and maintenance expenses:
 - District No. 1\$ 69,000.00
 - District No. 2 60,000.00
 - District No. 3 60,000.00
 - District No. 4 34,000.00
 - B. Depreciation reserve for purchase of new machinery 40,000.00
 - C. Fencing Chain Gang Camps 7,500.00
 - D. Equipment and employee to maintain county-approved refuse and disposal areas 25,000.00
- Provided*, that Item A shall be expended only upon approval of a majority of the Board of Commissioners.
- Provided*, further, that Item B shall be expended only for needed machinery and only upon approval in writing of a majority of the County Board of Commissioners in meeting assembled and any balance remaining shall be carried forward to the next fiscal year.
- Provided*, further, that the Board of Commissioners shall be responsible for furnishing labor for janitorial services for the county courthouse and Memorial Office Building.
- Provided*, further, that the Commissioners shall not expend or obligate to expend more than one-half of the amounts herein appropriated prior to January 1, 1967.
- Item 5. Social Welfare:
- A. Supplemental salary for members of the Lexington County Public Welfare Board, to be paid semiannually\$ 900.00
- Provided*, that the members of the board shall be paid semiannually.
- B. Approved emergency and charity relief 40,000.00
- Provided*, that claims for the care of medically indigent persons by eleemosynary institutions

shall be equitably discharged from the amount above appropriated.

C.	Payment on Rest Home at \$1,000 per month ..	12,000.00
	<i>Provided</i> , however, that an additional amount equal to \$29,000.00, plus interest, is hereby appropriated for payment of the outstanding balance in full on new building at Rest Home.	
D.	Lexington County Health Department	62,737.00
Item 6.	Courthouse and Offices:	
A.	Insurance (public buildings)	\$ 3,600.00
B.	Telephone	8,500.00
C.	Water, lights, and fuel	13,200.00
D.	Maintenance Engineer and Purchasing Agent ..	5,500.00
1.	Clerk to Purchasing Agent	2,975.00
2.	Cleaning and toilet supplies	5,500.00
3.	Buildings:	
(a)	Permanent improvements	4,500.00
(b)	Repairs and maintenance	3,000.00
(c)	Premaintenance expenses, Memorial Building	600.00
4.	Equipment repairs and maintenance	1,000.00
5.	New equipment (office)	4,500.00
(a)	Machine service contracts	1,800.00
E.	Premium on bonds for county officials	1,500.00
F.	Workmen's Compensation Insurance (not to be spent if paid for by State)	3,100.00
G.	Printing, stamps, and stationery for county offices	30,000.00
H.	Janitor of County buildings (Health Centers) ..	2,700.00
1.	Travel to Health Centers, to be paid monthly	480.00
I.	Board of Equalization	2,000.00
	<i>Provided</i> , that this shall be expended only upon approval of a majority of the Legislative Delegation.	
J.	Board of Registration	3,000.00
	<i>Provided</i> , that not more than one-fourth of the amount appropriated shall be expended without approval of a majority of the Legislative Delegation.	
K.	Supplemental Salary to County Agent	396.00
1.	Salary to Assistant County Agent	330.00

	2. Salary to Associate County Agent	396.00
	3. Clerk to County Agent, supplement	660.00
	L. Supplemental salary to Home Demonstration Agent	396.00
	1. Clerk to Demonstration Agent	660.00
	M. Secretary to County Service Officer	3,300.00
	N. Travel for Service Officer	1,000.00
	O. County supplement, County Service Officer ..	600.00
	P. Lexington County Civil Defense Agency	10,250.00
Item 7.	County Board of Education: There shall be paid through the office of the County Superintendent of Education the following:	
	A. Salary and travel for County Board of Education	\$ 1,000.00
	B. Supplemental salary, Superintendent of Education less amount paid by State	7,500.00
	1. Travel for Superintendent of Education	225.00
	C. Deputy to Superintendent of Education	4,750.00
	1. Second Clerk to Superintendent of Education	3,000.00
	D. Supplement School Lunch Fund	1,880.00
	E. Circulating Library Fund	54,546.00
	F. There is hereby appropriated the sum of \$45,000.00 for construction of a County Circulating Library to be located in the Batesburg-Leesville area	45,000.00
Item 8.	County Attorney	\$ 1,800.00
	<i>Provided</i> , that the County Attorney shall be elected by a majority vote of the County Delegation of Lexington County and he shall be paid a retainer's fee of one hundred forty dollars and thirty-six cents per month out of the above appropriation and by being so retained he shall be available to any and all county officials at any time they need his legal advice.	
	<i>Provided</i> , however, for extra work done, such as preparing pleadings, making appearances in court and trying cases, he shall be paid additional fees for such extra services in line with fees charged by members of the Bar Association of Lexington County for similar services.	

Item 9. Miscellaneous:

A. Miscellaneous Contingent	\$100,000.00
<i>Provided</i> , that any claims or items payable from the miscellaneous contingent fund herein appropriated shall be approved by a majority of the county legislative delegation, and, upon such approval, the Board of Commissioners and the clerk of the board are hereby authorized to issue vouchers for same; <i>provided</i> , however, that a sum not exceeding eight thousand dollars in the aggregate amount of the appropriation herein made may be expended upon the approval of a majority of the members of the Board of County Commissioners; <i>provided</i> , further, that from this amount may be paid the actual expenses incurred for the apprehension and return of escaped prisoners from Lexington County, or any other suspect of a criminal nature from without the boundaries of the State of South Carolina, which return has been approved by the Board of County Commissioners.	
B. 4-H Boys' Club	150.00
C. 4-H Girls' Club	150.00
D. Future Farmers of America	250.00
E. Women's Home Demonstration Camp	75.00
F. Demonstration Supplies for Home Agent	100.00
G. Batesburg-Leesville National Guard Unit	1,000.00
H. West Columbia National Guard Unit	1,000.00
I. Lexington National Guard Unit	1,000.00
J. Lexington County Supervisors, Lexington Soil Conservation District, Lexington County	500.00
1. Soil and Water Conservation Assistance	1,200.00
K. West Columbia Rescue Squad	300.00
L. Swansea Rescue Squad	300.00
M. Leesville Rescue Squad	300.00
N. Batesburg Rescue Squad	300.00
O. American Legion Junior Baseball Program ..	500.00
P. West Columbia-Cayce, Lexington and Batesburg-Leesville Chamber of Commerce, at \$850.00 each	2,550.00
Q. Cooperative Breeders' Association	2,400.00

R. Aid to Mental Health	5,000.00
S. Hearing and Speech Clinic	1,000.00
T. Rehabilitation	1,200.00
U. Election Commission	2,000.00
V. Lexington County Planning and Development Board	25,000.00
W. The Industrial Development Commission of the Greater Columbia Chamber of Commerce	15,000.00
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Total	\$1,188,341.00

SECTION 2. All salaries as fixed in this act shall be in lieu of any and all fees or commissions from any source for services performed during the hours the courthouse is open, and the acceptance of the same by any county official or employee while engaged in county business shall cause the salary of the county official or employee to be reduced accordingly; *provided*, however, that the magistrates and magistrates' constables shall have the right to charge the legal rate for their services in all civil matters and retain such fees, which charges shall be collected from the parties to the civil matters.

SECTION 3. Funds appropriated herein shall be expended according to the following provisos:

(a) The legislative delegation shall have the authority to authorize an audit of Lexington County affairs when it deems advisable, and the county commissioners and county treasurer shall pay for the same from any county ordinary fund on hand in an amount to be determined by the delegation.

(b) The withholding tax and insurance premiums collected through the county commissioner's office, including county officials and employees, may be paid by the commissioners from ordinary county funds; *provided*, this amount shall be equivalent to the withholding tax and insurance premiums deducted from the salary of each official and employee of the county.

(c) The county commissioners are hereby required to keep a separate account covering the various items of the appropriations act and not to exceed in expenditure the amount herein provided for each item; and for any excess allowed or permitted, such officers shall be held liable on their official bond. It shall be unlawful for any county commissioner or other officer of the county government to purchase, bargain for or contract for any materials or services which would create a deficit in any item or provision hereof within the time covered by this act.

(d) The clerk of the county board of commissioners shall make quarterly statements of expenditures and balances of the different items and send a statement to each member of the board of commissioners and to each member of the legislative delegation.

(e) The county treasurer is hereby authorized and directed to publish in the county newspapers a statement reflecting the financial condition of Lexington County as of December 31, 1966, and June 30, 1967, and is further directed at the same time to publish a list of all claims paid under this appropriations act.

(f) The county treasurer and county board of commissioners are hereby authorized to borrow a sum of money not to exceed one hundred thousand dollars, if so much be necessary, to meet the appropriations herein made should such be necessary for lack of funds arising from revenue now in sight. The same shall be borrowed at the best obtainable rate and terms.

SECTION 4. All appropriations herein made are subject to the right and authority of the legislative delegation to alter, increase, deduct therefrom or transfer funds from one account to another at any time without notice when, in its judgment, such alterations, increases, deductions or transfers are necessary for the best interests of the county and to conform with the revenue expected during the life of this act. All funds provided for herein which are not expended by June 30, 1967, shall revert to the county ordinary account.

SECTION 5. All county public buildings shall be under the control and custody of the Lexington County Board of Commissioners. Salaries of all chain gang employees shall be under the control of the Lexington County Board of Commissioners.

SECTION 6. The Lexington County Board of Commissioners is hereby authorized and directed to pay out of the ordinary county funds of Lexington County a sufficient sum to match other available funds for the retirement of all county officials or employees as is now provided by law under the Retirement Act and the Social Security Act.

SECTION 7. In the event of the death or resignation of any county official, or the death, resignation or discharge of any county employee, the appropriations herein made to that particular county official as salary or to that particular county employee as salary shall, immediately upon such death, resignation or discharge, be transferred to the miscellaneous contingent fund and a new salary schedule shall

be provided from the miscellaneous contingent fund, not to exceed the amount herein appropriated for such official or salary of such county employee, by a majority of the Lexington County Legislative Delegation.

SECTION 8. (a) There is hereby established in Lexington County the office of county purchasing agent who shall be responsible for the purchase of all items as needed and necessary for the operation of county business. All items purchased by funds appropriated hereunder shall first be requisitioned by the several departments from the county purchasing agent on the forms to be supplied to the several departments by the county purchasing agent.

(b) Purchases for all county agencies and subdivisions, except food for prisoners, shall be made through the county purchasing agent, which agent shall, where feasible, utilize all items available through the State Purchasing Agent on State bid prices.

(c) No expenditure in excess of one hundred dollars for the purchase of any equipment, materials or supplies shall be made, unless through regular contractual services, unless first let by sealed bid after advertisement in a county newspaper of general circulation (except parts needed for repairing equipment), and all things being equal, the purchase shall be made from the person, firm or corporation submitting the low bid. *Provided*, that all things being equal, all purchases for and in behalf of the county shall be made from Lexington County firms and businesses.

(d) The purchasing agent is authorized upon request of the mayor and council of any corporate municipality to purchase any items through the county at the lowest bid price which will be paid by the county and reimbursed to the county by the municipality. Any funds so used and reimbursed shall revert to the account from which it originally came.

SECTION 9. The Juvenile and Domestic Relations Court of Lexington County shall charge three per cent of all monies collected and disbursed by the court, to be accounted and deposited with the Lexington County Treasurer monthly.

SECTION 10. The Lexington County Auditor is authorized from year to year to assess the necessary millage on all taxable property in Lexington County for the purpose of establishing a note retirement account and that the millage so determined shall be set aside for retirement of note indebtedness on an annual basis.

SECTION 11. This act shall take effect upon approval by the Governor.

Approved the 1st day of June, 1966.

(R1426, H2699)

No. 1345

An Act To Amend An Act Of 1966 Bearing Ratification No. 999, Relating To A Referendum Concerning The County Courthouse And County Jail In Lexington County, So As To Change The Date Of The Referendum.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 1 of Act 1340 of 1966 amended—date of referendum.—Section 1 of an act of 1966, bearing Ratification No. 999, is amended by striking on line two “June 14,” and inserting “the same day as the general election in”. The section when amended shall read as follows:

“Section 1. The Lexington County Commissioners of Election shall conduct a referendum on the same day as the general election in 1966 to ascertain the wishes of the qualified electors of the county on the question of whether or not they favor the renovation of the county courthouse and county jail at a cost not to exceed six hundred thousand dollars to be financed by the issuance of general obligation bonds. The commissioners of election shall publish the information relating to the referendum once a week for two consecutive weeks in a newspaper having general circulation in the county.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 8th day of June, 1966.

(R1427, H2700)

No. 1346

An Act To Amend An Act Of 1966 Bearing Ratification No. 996, Relating To A Referendum On Hospital Facilities In Lexington County, So As To Change The Date Of The Referendum And Provide That The Electors May Vote Against The Construction Of Hospital Facilities At This Time.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 1 of Act 1339 of 1966 amended—date of referendum.—Section 1 of an act of 1966 bearing Ratification No. 996, is amended by striking on line two “June 14,” and inserting “the same day as the general election in”; by striking the word “or” on line nine; and by inserting after the word “Counties” on line twelve “; or (d) no construction of a hospital by Lexington County at this time”. The section when amended shall read as follows:

“Section 1. The Lexington County Commissioners of Election shall conduct a referendum on the same day as the general election in 1966 to ascertain the wishes of the qualified electors of the county on the question of whether they most favor: (a) the construction of a general hospital located on property presently owned by the county and situate approximately one block south of the Town of Lexington; (b) the construction of a community hospital located in the Batesburg-Leesville area and the construction of a general hospital located near West Columbia and Cayce; (c) the construction of a community hospital located in the Batesburg-Leesville area to be operated in conjunction with a general hospital facility located in Richland County and jointly owned and operated by Lexington and Richland Counties; or (d) no construction of a hospital by Lexington County at this time. The commissioners of election shall publish the information relating to the referendum once a week for two consecutive weeks in a newspaper having general circulation in the county.”

SECTION 2. Section 2 of Act 1339 of 1966 amended—add item (c)—vote on construction.—Section 2 of an act of 1966, bearing Ratification No. 996, is amended by adding after item (c) the following so as to provide that the electors of Lexington County may vote against constructing a hospital at this time:

“(d) no hospital construction by Lexington County at this time ☐.

SECTION 3. Section 3 of Act 1339 of 1966—repealed.—Section 3 of an act of 1966, bearing Ratification No. 996, is hereby repealed.

SECTION 4. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 8th day of June, 1966.

(R839, H2117)

No. 1347

An Act To Authorize The Governing Body Of McCormick County To Borrow Not Exceeding One Hundred Fifty Thousand Dollars For The Construction Of County Roads; To Provide That The Roads Shall Be Constructed By The State Highway Department Pursuant To A Contract Of Reimbursement To Be Made Between The Governing Body And The State Highway Department; And To Provide For The Payment Of The Loan.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Findings of General Assembly.—The General Assembly finds that by Section 65-1075 of the 1962 Code provision was made for the continuance of the so-called Farm-to-Market or State Secondary Highway program for the period to end June 30, 1972, and that it was therein provided the method by which funds available for such purpose should be apportioned among the counties of the State.

In McCormick County it has been determined that an immediate need exists for further Farm-to-Market roads, and that the Governing Body of McCormick County (the board) should be empowered to borrow not exceeding one hundred fifty thousand dollars and to make such sum available to the State Highway Department which, in turn, should apply it to the construction of the most-needed county roads in McCormick County, which have been transferred to and become a part of the State's Secondary Highway System (Farm-to-Market roads).

SECTION 2. McCormick County may borrow money—conditions.—If a suitable agreement can be reached between the board and the State Highway Department providing that the State Highway Department shall construct Farm-to-Market roads in McCormick County to an extent mutually agreed upon and divert moneys which would otherwise be expended in future years for Farm-to-Market roads in McCormick County, to the extent estimated to be necessary to meet the payment of the principle of the obligation herein authorized, the board is authorized to borrow one hundred fifty thousand dollars which shall be repaid in six equal, successive, annual instalments, with interest at a rate to be agreed upon by the board and the lender, the first annual instalment to become due and payable not later than October 1, 1967.

SECTION 3. Issuance of notes.—Notes issued pursuant to this act shall be in such denominations and form as the board shall approve, shall be executed as the board shall prescribe, and may be subject to redemption as the board shall determine. The notes and the interest thereon shall have the tax-exempt status prescribed by Section 65-4.1 of the 1962 Code.

SECTION 4. Payment.—For the payment of the principal and interest of the note issued pursuant to this act, the full faith, credit and taxing power of McCormick County, shall be irrevocably pledged, and there shall be levied annually by the Auditor of McCormick County, and collected by the Treasurer of McCormick County, in the same manner as county taxes are levied and collected, a tax without limit, on all taxable property in McCormick County, sufficient to pay the principal and interest on the note as it becomes due and to create such sinking fund as may be necessary therefor; *provided*, that the ad valorem tax levy shall be reduced to the extent that there has been paid to the county treasurer by the State Highway Department moneys pursuant to the reimbursement agreement herein authorized, on the occasion in each year when the ad valorem tax levy is to be made, and in all instances where an annual tax levy is so reduced, the moneys received from the reimbursement agreement shall be applied to the payment of such principal and to no other purpose.

SECTION 5. Proceeds.—The proceeds derived from any note issued pursuant to this act shall be paid to the McCormick County Treasurer, and shall be deposited in a special account and shall be first applied to the expenses incident to issuance of the note and so much as remains thereafter shall be turned over to the State Highway Department and applied by it on Farm-to-Market roads in McCormick County.

SECTION 6. Highway Department may reimburse McCormick County.—The State Highway Department is hereby authorized to reimburse McCormick County for all moneys turned over to it by McCormick County pursuant to this act. This reimbursement shall be made in annual instalments (in amounts not exceeding the annual debt service on the obligation) out of the apportionment of funds accruing to McCormick County under the State Highway Department's Farm-to-Market Construction Program and by reason of the statute, if so much thereof shall accrue to McCormick County. The State Highway Department shall not be obligated to the repay-

ment to McCormick County for any instalment due under its reimbursement agreement unless sufficient amounts for the instalments shall accrue to McCormick County under the state Farm-to-Market Construction Program. The State Highway Department shall not be required to pay any interest to McCormick County for funds turned over to the department pursuant to the provisions of this act. If, during any year, the apportionment to which McCormick County is entitled exceeds the sum required to meet the annual instalment of principal or interest of the note in that year, then the excess shall be applied by the State Highway Department as if no reimbursement agreement had been entered into.

SECTION 7. Powers to be additional.—The powers and authorizations conferred upon the board and the State Highway Department shall be in addition to all other powers and authorizations previously vested in them.

SECTION 8. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 4th day of March, 1966.

(R890, H2240)

No. 1348

An Act To Authorize The Treasurer Of McCormick County To Transfer Ten Thousand Dollars From The General Fund Of The County To The Miscellaneous Contingent Fund.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Treasurer of McCormick County may transfer funds.—The Treasurer of McCormick County is authorized to transfer ten thousand dollars from the general fund of the county to the miscellaneous contingent fund.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 18th day of March, 1966.

(R1000, H2411)

No. 1349

An Act To Amend An Act Of 1966, Bearing Ratification No. 839, Relating To The Borrowing Of Money In McCormick County For Construction Of County Roads, So As To Decrease The Time In Which Such Money Shall Be Repaid.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Act No. 1347 of 1966 amended—decrease time for payment of money.—Section 2 of an Act of 1966, bearing Ratification No. 839, is amended by striking the word “six” on line nine and inserting in lieu thereof the word “five”, so that when amended the section shall read as follows :

“Section 2. If a suitable agreement can be reached between the board and the State Highway Department providing that the State Highway Department shall construct Farm-to-Market roads in McCormick County to an extent mutually agreed upon and divert moneys which would otherwise be expended in future years for Farm-to-Market roads in McCormick County, to the extent estimated to be necessary to meet the payment of the principal of the obligation herein authorized, the board is authorized to borrow one hundred fifty thousand dollars which shall be repaid in five equal, successive, annual instalments, with interest at a rate to be agreed upon by the board and the lender, the first annual instalment to become due and payable not later than October 1, 1967.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 13th day of April, 1966.

(R1266, H2630)

No. 1350

An Act To Provide For The Levy Of Taxes For Ordinary County Purposes For McCormick County For The Fiscal Year Beginning July 1, 1966, And Ending June 30, 1967, And Providing For The Expenditure Thereof.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. The following appropriations are made for McCormick County for a period of one year, beginning July 1, 1966 and ending June 30, 1967.

- Item A. For the construction and maintenance of county roads, bridges, dieting, clothing and maintenance of chain gang prisoners. Also salary for three overseers or guards\$ 34,000.00
Provided, that the Supervisor or County Board of Commissioners shall employ no other help than provided for herein unless authorized by the county delegation.

Office Clerk 3,200.00

Total Item A \$ 37,200.00

Item B. Salaries:

Clerk of Court\$ 5,500.00
 Clerk to Clerk of Court 3,200.00
 Treasurer 1,000.00
 Clerk to Treasurer 3,200.00
 Auditor 1,000.00
 Clerk to Auditor (12 months) 3,200.00
 Coroner 475.00
 Coroner—Travel Expense 120.00
 Two County Commissioners at \$475.00 each .. 950.00
 Judge of Probate 2,400.00
 County Attorney 475.00
 Magistrate at McCormick 2,400.00
 Magistrate at Willington 1,000.00
 Magistrate at Parksville 1,000.00
 Delegation Secretary, half-time, who shall assist such other officials as directed by the County Delegation 1,600.00
 Sheriff, salary 5,000.00
 Sheriff, expense account, including telephone cost at home and all other expenses 680.00
 Two Deputy Sheriffs' Salary at \$3,800.00 each 7,600.00
 Two Deputy Sheriffs' Expense Fund at \$615.00 each 1,230.00
 Two Deputy Sheriffs' Uniform allowance at \$250.00 each 500.00

Provided, the amount is to be paid in equal monthly payments without the necessity of itemizing the same.

Night Jailer, who shall be a deputy sheriff	2,775.00
<i>Provided</i> , that the sheriff or his deputies shall serve warrants for the county magistrates and one of the deputies, to be designated by the sheriff, shall also serve as magistrates' constable.	
Travel expenses, meals when out of town on county business and maintenance of automobiles for sheriff's office, if so much be necessary	
	3,000.00
Supervisor, salary and traveling expenses for supervisor who shall furnish his own car, the amount to be paid in equal monthly payments without the necessity of itemizing same	
	5,500.00
Tax Collector	1,300.00
Tax Collector's expenses, who shall furnish his own car, to be paid in equal monthly payments	
	1,800.00
Janitorial Service	3,400.00
<i>Provided</i> , the janitors or janitor and maid shall be selected and supervised by the custodian of the county courthouse and custodian of the county office building. <i>Provided</i> , further, however, if they are unable to select such help, the county board of commissioners shall make such selection or selections.	

Total Item B	\$ 60,305.00
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Item C. County:

County Board of Equalization	\$ 750.00
Vital Statistics	100.00

Total Item C	\$ 850.00
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Item D. Jail Expenses:

To include only the dieting of prisoners at \$1.25 per day, electric current and repairs, if so much be necessary	
	\$ 1,500.00
<i>Provided</i> , records of prisoners' entrance and release shall be kept and such records shall be subject to annual audit.	

Total Item D	\$ 1,500.00
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Item E. Jurors and witnesses and court expenses:

Provided, that grand jurors and petit jurors, bailiffs and jury boy shall be paid at the rate of

ten dollars per day and mileage. *Provided*, further, that magistrates' and coroner's jurors shall be paid at the rate of two dollars and fifty cents per day upon the authorization of the magistrate or coroner\$ 4,000.00
Provided, further, the taking of testimony in magistrate's court and coroner's inquests shall be paid from this fund upon the authorization of the magistrate or coroner.

	Total Item E	\$ 4,000.00
Item F.	Medical Services to prisoners, post mortems, inquests, autopsies and lunacies, if so much be necessary	\$ 1,000.00
	Total Item F	\$ 1,000.00
Item G.	Public buildings, including lights, fuel, water, telephones, repairs and other necessary supplies, other than constructing new public buildings which shall be approved by and paid from such account as the county delegation shall designate.	\$ 12,000.00
	Total Item G	\$ 12,000.00
Item H.	Printing, postage, stationery and office supplies	\$ 3,000.00
	Total Item H	\$ 3,000.00
Item I.	Annual Audit to county books from June 30, 1965, to July 1, 1966, if so much be necessary ..	\$ 600.00
	Total Item I	\$ 600.00
Item J.	Premiums on officers' bonds, workmen's compensation premiums and insurance on county vehicles, when such premiums are certified to and in order, if so much be necessary	\$ 2,200.00
	Total Item J	\$ 2,200.00
Item K.	Miscellaneous Contingent Fund: To be expended only in case of emergency and only then upon the written approval of the legislative delegation	\$ 15,000.00
	Total Item K	\$ 15,000.00

Item L. County Health Unit, if so much be necessary ..	\$ 3,000.00
Total Item L	\$ 3,000.00
Item M. Public Welfare	\$ 9,000.00
<i>Provided</i> , such funds shall be kept separate to facilitate annual audit. The amount appropriated shall include the county's share of the cost of the Food Stamp Program.	
Total Item M	\$ 9,000.00
Item N. Library Board	\$ 1,200.00
<i>Provided</i> , that this sum shall be paid upon the authorization of the secretary-treasurer of the library board.	
Total Item N	\$ 1,200.00
Item O. Police Insurance	\$ 1,600.00
Total Item O	\$ 1,600.00
Item P. Retirement (County's part)	\$ 3,200.00
Total Item P	\$ 3,200.00
Item Q. Social Security (County's part)	\$ 3,000.00
Total Item Q	\$ 3,000.00
Item R. National Guard	\$ 1,500.00
Total Item R	\$ 1,500.00
Item S. Soil Conservation	\$ 300.00
Total Item S	\$ 300.00
Item T. County Board of Education	\$ 2,500.00
Total Item T	\$ 2,500.00
Item U. County Service Officer Travel Expense, to be paid monthly	\$ 360.00
Total Item U	\$ 360.00

Item V. Special Accounts:

McCormick County Property Board	\$ 30,000.00
McCormick County Development Board	15,000.00
Farm Agent Account	50.00
Home Agent Account	50.00
Clerk to Home Agent Account	250.00
Custodian at County Office Building	435.60
McCormick County FFA Chapter	100.00
Mental Health Program	1,900.00
McCormick Fire Warden, Expenses, to be paid monthly	240.00
Technical Education Program, if so much be necessary	3,000.00
Clerk to County Board of Registration (who shall be paid at the rate of \$12.50 per day), if so much be necessary	400.00
Firemen for out-of-town calls @ \$5.00 per call	1,000.00
Total Item V	\$ 52,425.60

GRAND TOTAL \$215,740.60

Less revenue other than taxes:

U. S. Forestry Service	\$ 39,000.00
Gas Tax	40,000.00
Other Revenues	118,000.00
Total Estimated Revenue	\$197,000.00

Amount to be raised by taxes \$ 18,740.60

SECTION 1A. Should the estimated revenue be insufficient to meet the appropriations hereinabove made, the county treasurer shall transfer from the general fund of the county a sufficient amount to take care of any deficit.

SECTION 2. The various sums herein appropriated shall be used only for the purpose for which they are specifically appropriated and for no other. *Provided*, that transfers from one appropriation to another may be made upon the written approval of the legislative delegation. It shall be unlawful for any officers of the county to exceed any appropriation or to contract any obligation of indebtedness in excess of any appropriation herein provided for, except upon the

written authority of the Legislative Delegation of McCormick County; and obligations incurred without the written authority shall not be binding upon McCormick County. Any officer violating the provisions of this section may be removed from office by the Governor, upon the recommendation of the legislative delegation, and his bond shall be liable for any expenditure or any debt incurred in excess of such appropriation should it be determined that the county is liable therefor.

SECTION 3. The supervisor shall file an itemized statement of all expenditures for the previous month with the clerk of court and an itemized statement of all expenditures shall be published quarterly in the County Gazette, and the same shall become a public record. The county board of commissioners is hereby required to deliver to the county treasurer at the conclusion of the year 1966 an itemized sworn statement of all unexpended balances from the various items hereinabove appropriated, which statement shall be filed by the treasurer with the clerk of court and become a public record. The county supervisor is hereby required to keep a separate account of all funds expended from the various sums appropriated for county purposes and shall issue no warrant in excess of such appropriations. *Provided*, that the county commissioners shall have equal authority in county matters with the supervisor.

SECTION 4. The auditor and treasurer are hereby authorized and required to levy and collect a sufficient tax, as provided by law, to raise sufficient money to meet and pay the amount appropriated by law for McCormick County for the year 1966. No money shall be spent otherwise than herein specifically authorized and none of the items shall be enlarged upon or construed as suggestive or directory, but are mandatory.

SECTION 5. No money shall be borrowed by the county nor interest paid on same for longer periods than the collection of taxes sufficient to pay the same makes it necessary, and no note in excess of the sum provided by law shall be made by the county commissioners except upon the written authority of the county legislative delegation, which shall be filed with the clerk of court.

SECTION 6. The McCormick County Legislative Delegation is hereby authorized and empowered to pay to the members of the forestry committee or any other members of a committee authorized by legislation, meeting during the year 1966, the sum of five dollars

per day from the contingent fund under Item K. *Provided*, however, that none of the committee shall be paid for more than twelve meetings during the fiscal year 1966-1967.

SECTION 7. The County Board of Commissioners of McCormick County is hereby authorized and empowered to appoint a practicing attorney as county attorney who shall render legal advice to any county officer of McCormick County when so requested by such officer regarding official matters pertaining to any duty of any officer of McCormick County, or as to the law pertaining to any matter connected with the administration of such office.

SECTION 8. The McCormick County Legislative Delegation may, at any time, order the discontinuance and storage of any motor car or other equipment owned or hereafter to be owned by McCormick County. *Provided*, that no equipment owned by McCormick County shall be used for anything but county or public purposes.

SECTION 9. No property owned by McCormick County shall be sold, rented or leased unless the approval of the legislative delegation shall be first secured.

SECTION 10. Unless otherwise specifically authorized herein, no bill or claim against McCormick County shall be approved or paid unless the same is fully itemized and states what it is for, giving the kind and quality of thing or commodity it represents and carries the same number as the county voucher, in addition to the amount and the time furnished.

SECTION 11. No officer of McCormick County shall charge or collect any money for an expense account except as herein provided.

SECTION 12. Any officer or employee of McCormick County who disregards the provisions of this act shall be guilty of misconduct in office and subject to removal in addition to the punishment now provided by law.

SECTION 13. The officials at the McCormick County Courthouse are hereby authorized to close their offices on one afternoon each week provided the majority of the merchants in the Town of McCormick close their places of business one afternoon each week, and the afternoons taken off by the courthouse officials shall be the same afternoon on which the business houses are closed. The officials of McCormick County are further authorized to close their offices on all legal State holidays and on Saturdays at one p. m.

SECTION 14. For the year 1966 the supervisor shall employ such help as necessary, other than that herein provided for, upon the written approval of the Legislative Delegation from McCormick County.

SECTION 15. Immediately upon receiving tax duplicates from the county auditor, the county treasurer shall cause to be mailed to each taxpayer listed thereon, whose post office address is available, a written or printed notice stating thereon the amount of taxes assessed against the taxpayer for the current year, with such other information as the county treasurer may deem desirable. This service to the taxpayer being gratuitous, no obligation shall rest upon the county or State, or county treasurer, for any failure or mistake on the part of the county treasurer in giving or failing to give the notice.

SECTION 16. From the county board of education fund herein appropriated, all members of the county board, except the superintendent of education, shall be paid five dollars per day for each day in attendance upon meetings of the county board and mileage from the homes of the members each way at the rate of seven cents per mile. *Provided*, that the county board of education is hereby authorized to pay from this appropriation any clerical help or mileage necessary for the office of the superintendent of education as may be deemed necessary by the county board.

SECTION 17. Custodian of the McCormick County Office Building and grounds shall be designated by the McCormick County Legislative Delegation and shall approve all claims for expenses necessary for the operation of the county office building.

SECTION 18. The county auditor shall levy and the county treasurer shall collect a tax for the fiscal year 1966-1967 of twenty-three mills for school purposes. The board of trustees shall present to the county board of education a proposed budget for the fiscal year 1967-1968 on or before March 1, 1967, and by April 1, 1967, the county board of education shall approve, decrease or increase the budget as it may deem necessary. The board of trustees may, with the approval of the county board of education, spend such other necessary funds as are available for school purposes with the written approval of the county board of education.

SECTION 19. Any surplus funds of McCormick County may be invested by the county treasurer upon written approval of the county legislative delegation.

SECTION 20. This act shall take effect upon approval by the Governor.

Approved the 14th day of May, 1966.

(R1298, S773)

No. 1351

An Act To Repeal Act 1309 Of 1964 Authorizing The Board Of Trustees Of Marion School District No. 1 Of Marion County To Issue General Obligation Bonds In An Amount Not Exceeding Six Hundred Thousand Dollars.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Act 1309 of 1964 repealed.—Act 1309 of 1964 is repealed.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 8th day of June, 1966.

(R1316, H2459)

No. 1352

An Act To Make Appropriations For Ordinary County Purposes For Marion County For The Fiscal Year Beginning July 1, 1966, And Ending June 30, 1967; To Provide For The Expenditure Thereof; To Authorize The Proper Officers Of The County To Borrow Money To Meet Such Appropriations; And To Provide For The Levy Of Such Taxes As May Be Necessary To Raise The Required Amount, Taking Into Account Other Revenues Of The County.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. After first deducting the estimated or anticipated revenues, a tax is hereby levied for the calendar year 1966 upon the taxable property of Marion County for county purposes, for the fiscal year beginning July 1, 1966, and ending June 30, 1967, in the amount and for the purposes hereinafter stated.

SECTION 2. The county auditor is hereby directed to make a calculation of the amount of levy that will be necessary to raise the

sums appropriated in this act, first taking into account the probable income from all other sources; and he is authorized and directed to impose in due time such levy upon the property of the county as will raise the sums of money necessary under this act. *Provided*, that the levy shall be made only upon the written approval of a majority of the legislative delegation.

SECTION 3. The following amounts are hereby appropriated for Marion County for the fiscal year beginning July 1, 1966, and ending June 30, 1967, for the following purposes, and the salaries of the officers and employees are fixed as hereinafter stated:

Item 1. Salaries:

A. Clerk of Court	\$ 1,250.00
B. Sheriff	5,200.00
B-1. Four Deputy Sheriffs @ \$3,760.00 each	15,040.00
<i>Provided</i> , that the Sheriff may designate one of the Deputy Sheriffs as "Chief Deputy" to be left in charge in the absence or incapacity of the Sheriff, and the Chief Deputy shall draw an additional salary of	
	180.00
B-2. Investigating fund to be used by Marion County Sheriff	600.00
B-3. Travel and other expenses, Sheriff and four Deputies @ \$2,000.00 each	10,000.00
B-4. Gas and oil—Sheriff's office, \$250.00 per month	3,000.00
<i>Provided</i> , that this sum shall be paid monthly to the Sheriff for division between his deputies and himself at the rate of \$50.00 per month for each deputy and himself for gas and oil.	
B-5. Steno-Clerk and Radio Dispatcher for Sheriff's office	3,000.00
<i>Provided</i> , however, that the steno-clerk and radio dispatcher herein provided for shall be required to take all the testimony at coroner's inquests as part of his or her regular duties and without additional compensation.	
C. Jailer	3,000.00
D. Magistrate at Marion	3,000.00
D-1. Rent—Magistrate at Marion	180.00
E. Magistrate at Mullins	3,000.00
F. Magistrate at Centenary-Rains	650.00

F-1. Magistrate's Constable at Centenary-Rains	2,000.00
G. Magistrate at Britton's Neck Township	650.00
G-1. Magistrate's Constable at Britton's Neck Town- ship	2,000.00
H. Magistrate at Nichols	650.00
H-1. Rent—Magistrate at Nichols	180.00
I. Treasurer	2,923.00
J. Assistant Treasurer	3,900.00
<i>Provided, that the Treasurer of Marion County is authorized to continue the employment of Mrs. Clara Allen regardless of retirement age.</i>	
K. Auditor	2,923.00
L. Deputy Auditor	4,500.00
M. Extra clerical help, Auditor and Treasurer	3,000.00
N. Coroner	1,300.00
N-1. Travel and other expenses—Coroner	700.00
O. Chairman of County Board of Commissioners	9,000.00
P. Six County Commissioners @ \$400.00 each for travel and official expense	2,400.00
Q. One Clerk to Commissioners	3,400.00
R. Tax Collector	1,500.00
S. Deputy Tax Collector	1,500.00
T. Clerk for Tax Collector and Deputy Tax Collec- tor	3,000.00
U. Superintendent of Education	1,778.00
Total, Item 1	\$ 95,404.00
Item 2. County Boards:	
A. Board of Education—Seven members @ \$400.00 each for travel and official expenses	\$ 2,800.00
B. One Clerk to Superintendent of Education	2,400.00
C. Board of Equalization	2,500.00
Total, Item 2	\$ 7,700.00
Item 3. Post Mortems and Lunacies	\$ 400.00
Total, Item 3	\$ 400.00
Item 4. Welfare Department:	
A. Emergency assistance, including aid for special needs of foster children	\$ 3,500.00

B. Charity hospitalization	3,000.00
C. Chairman—Public Welfare Board	300.00
D. Pauper funerals	1,200.00

Provided, that no funds shall be paid to any hospital outside of Marion County unless there is a reciprocal agreement with such outside county. *Provided*, further, no hospital shall be compensated at a higher rate than ten dollars per day from county funds.

Provided, further, that the Marion County Welfare Board shall make all necessary investigations. *Provided*, further, that no hospitalization shall be paid in excess of ten days from county funds and there shall not be expended on any one case a greater sum than one hundred dollars. *Provided*, further, that when funds under Item B are exhausted the Marion County Welfare Board shall not approve for charity hospitalization further disbursement until additional funds become available.

Total, Item 4	\$ 8,000.00
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Item 5. Jurors and Witnesses	\$ 10,000.00
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Provided, that witnesses shall receive two dollars per diem (jurors and court attaches shall receive per diem of six dollars).

Provided, further, that jurors in Magistrates' Courts in criminal cases and jurors in Coroner's Courts shall be paid two dollars per day upon warrants of the Magistrate, Coroner or Sheriff.

Total, Item 5	\$ 10,000.00
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Item 6. Public Buildings:

A. Public buildings, including lights, water, grounds, office rent, etc.	\$ 14,000.00
B. Improvements for county buildings	15,000.00

Total, Item 6	\$ 29,000.00
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Item 7. Vital Statistics—Travel and filing of certificates	\$ 550.00
Total, Item 7	\$ 550.00
Item 8. Ordinary Contingent	\$ 48,000.00
Total, Item 8	\$ 48,000.00
Item 9. A. Roads, bridges, chain gang, maintenance, dieting, clothing, medical and medicine for prisoners on chain gang	\$ 30,000.00
<i>Provided, however, that the total amount of gasoline tax allocated to Marion County be put in this item.</i>	
B. Marion County Jail—water, lights, etc. for prisoners while in jail	6,500.00
C. Workmen's Compensation Insurance Premium	2,200.00
Total, Item 9	\$ 38,700.00
Item 10. Salary for Clerk to Marion County Tuberculosis Association	\$ 1,900.00
Total, Item 10	\$ 1,900.00
Item 11. Health Department	\$ 10,956.00
A. Transportation for crippled children	500.00
B. Medicine for T. B. patients	200.00
Total, Item 11	\$ 11,656.00
Item 12. Libraries:	
A. Marion Library	\$ 1,750.00
B. Mullins Library	1,750.00
C. Nichols Library	750.00
D. Traveling Library	1,500.00
Total, Item 12	\$ 5,750.00
Item 13. County Agent's Office:	
A. County Agent	\$ 900.00
A-1. Two Assistant County Agents @ \$330.00 each	660.00

B. Clerk to County Agent	150.00
C. Postage and office supplies	200.00
Total, Item 13	\$ 1,910.00
Item 14. Home Demonstration Agent's Office:	
A. Clerk—Salary supplement	\$ 420.00
B. Supplies and incidentals	200.00
C. Telephone	150.00
D. Home Demonstration Agent, salary supplement	240.00
E. Assistant Home Demonstration Agent, salary supplement	150.00
Total, Item 14	\$ 1,160.00
Item 15. Boys' and Girls' 4-H Club Work	\$ 300.00
Total, Item 15	\$ 300.00
Item 16. Associate Agricultural and Home Demonstration Agents' Office:	
A. Associate Home Demonstration Agent	\$ 1,140.00
B. Equipment, demonstration materials and supplies and activities	400.00
C. Boys' 4-H Club work and supplies	150.00
D. Girls' 4-H Club work and supplies	150.00
Total, Item 16	\$ 1,840.00
Item 17. Office of Judge of Probate	\$ 2,400.00
Total, Item 17	\$ 2,400.00
Item 18. Marion Soil Conservation District	\$ 900.00
Total, Item 18	\$ 900.00
Item 19. A. Marion County Planning and Development Board	\$ 11,000.00
B. Planning and Development Board Secretary (Part time)	1,200.00
Total, Item 19	\$ 12,200.00

Item 20. Mental Health Center, Darlington-Florence-Marion\$ 9,000.00

Total, Item 20\$ 9,000.00

Provided, that no disbursement of this fund shall be made unless approved by the Legislative delegation.

Item 21. Civil Defense\$ 4,800.00

Total, Item 21\$ 4,800.00

Item 22. Miscellaneous:

A. Marion Rural Fire Dept.\$ 500.00

B. Mullins Rural Fire Dept. 500.00

C. Nichols Rural Fire Dept. 200.00

D. Marion National Guard 1,000.00

E. Mullins National Guard 1,000.00

F. Radio repair for radios and insurance on radios - 700.00

G. Official bond premiums 800.00

H. Printing and office supplies, stamps and box rent 9,000.00

I. Advertising—Tax notices 700.00

J. Junior Homemakers Association 300.00

K. Marion Rescue Squad 1,000.00

L. Mullins Rescue Squad 1,000.00

M. Hospitalization insurance for county employees 900.00

N. Office expense for Circuit Judge 500.00

O. Salary and equipment for third Game Warden 2,000.00

P. County Service Officer 1,500.00

Q. Fish and Game Commission 300.00

Total, Item 22\$ 21,900.00

GRAND TOTAL\$313,470.00

Less Estimated Revenues:

Magistrates' fines\$ 30,000.00

Alcoholic tax 21,000.00

Gas tax 67,000.00

Beer and wine tax 8,000.00

Fines and forfeitures 10,000.00

Insurance licenses	11,000.00
Bank tax	5,000.00
Income tax	31,000.00
Interest	1,400.00
Miscellaneous revenue	10,200.00
TOTAL	\$194,600.00

**AMOUNT TO BE RAISED BY
TAXATION****\$118,870.00**

SECTION 4. The board of county commissioners is hereby authorized to borrow, at such time or times, and upon such terms as it may prescribe, upon sealed competitive bids, after written notice to all banks in Marion County, a sum or sums not exceeding in the aggregate the amount hereinabove appropriated, pledging all taxes to be raised by virtue of the levy to be made hereunder and the full faith and credit of the county for such loan or loans. The chairman of the board of county commissioners and the county treasurer shall execute a note or notes for such loan or loans, which note or notes, when so executed, shall be a lien upon all taxes to be raised during the year 1965 for the levy to be made under this act; *provided*, that the monies hereinabove appropriated shall be used only for the purpose for which such appropriation is made and for no other purpose or purposes, and the board of county commissioners and the county treasurer are hereby expressly forbidden to exceed directly or indirectly the appropriations herein made for any purpose whatsoever unless upon authorization of the county delegation; and *provided*, further, that all unexpended balances on appropriations for the period beginning July 1, 1965, and ending June 30, 1966, shall be added to the ordinary county funds hereinabove mentioned. *Provided*, that no funds of Marion County in excess of the sum protected by the Federal Deposit Insurance shall be deposited by an officer thereof in any bank or banks unless such bank or banks shall file with the county treasurer an indemnity bond in some approved surety company, or shall deposit with the county treasurer, United States, State, county, municipal, school district, Federal Land Bank Bonds, or other bonds guaranteed by the United States, or county notes, to indemnify the County of Marion against any loss or damage which may arise by reason of such deposit, the indemnity to be not less than the maximum amount so deposited

less the sum protected by the Federal Deposit Insurance, the sufficiency of the indemnity or security hereinabove provided for to be determined and approved by the county treasurer and the chairman of the board of county commissioners in writing. In addition to borrowing such sum or sums as may be necessary to cover the provisions of this act, in case of an emergency, the Marion County Legislative Delegation to be the judges thereof, the board of county commissioners may, with written approval of the Marion County Legislative Delegation, borrow such additional funds as may be necessary to meet such emergency, pledging as security therefor, the full faith and credit of Marion County for the payment of any sum or sums so borrowed.

SECTION 5. From the effective date of this act, fishing from the banks with hook and line only shall be permitted in the sanctuaries between Aerial's Cross Roads and Galivant's Ferry from sunrise to sunset on Wednesday and Saturday of each week.

SECTION 6. The amounts hereinbefore appropriated for salaries for officers and employees shall be in full for their compensation and they shall not receive allowances for travel or other expenses, except as herein provided, save and except postage, stationery and office supplies which shall also be furnished each of the magistrates upon their written requisition to the board of county commissioners. No claim for mileage or travel for any purpose shall be paid without claimant first securing the approval of the county board of commissioners before making such trip, and if such travel or mileage is authorized and approved claimant shall be paid at the rate of nine cents per mile for actual distance traveled in the most direct route going to and returning from the place of destination. *Provided*, that the sheriff is required to use the facilities of the State whenever available for the purpose of returning prisoners to the county.

SECTION 7. The amount hereinabove appropriated to the charity hospitalization fund shall be paid by the county board of commissioners upon presentation to them of approved claims by the county board of welfare or its director. The county board of welfare, working in conjunction with the superintendent of the hospital receiving such funds, is hereby directed to make a thorough study of the needs of every applicant for assistance from this fund. It shall work in conjunction with the superintendent of the hospital and, in the investi-

gation of any applicant for assistance from this fund, the records, files and information which the superintendent of the hospital may have concerning such applicant shall be accessible to the county board of welfare in order to determine whether or not such applicant is entitled to assistance hereunder, and likewise any files, records and information which the county board of public welfare may have concerning the applicant shall be accessible to the superintendent of the hospital. In the event the county board of public welfare and the superintendent of the hospital are unable to agree whether or not such applicant is entitled to assistance hereunder, then one disinterested member of the welfare board, after having studied the report or reports on such applicants, shall determine whether the applicant is entitled to assistance. In emergency cases, the county board of public welfare is directed to make an investigation of the applicant even though he or she may have already been admitted to the hospital or discharged therefrom, and if it is finally determined that such emergency case is entitled to assistance hereunder, the county board of public welfare is hereby directed to approve same.

SECTION 8. The board of county commissioners, with the approval of a majority of the legislative delegation, shall have authority to employ a county attorney and to pay for his services out of the contingent fund.

SECTION 9. The county board of commissioners, through its chairman or clerk, is hereby authorized and directed to issue a license to carnivals or other shows operating in Marion County. The license fee shall not exceed the sum of one hundred dollars per day, and the amount of the fee shall be recommended by the chairman of the county board of commissioners after he has made an investigation of the type of carnival or show concerned and the type and kind of its activities. *Provided*, that this section shall not apply to carnivals or shows contracting with the Marion County Fair Association.

Provided, further, that a majority of the county board of commissioners may, in their discretion, waive this section when such carnivals or shows are sponsored by a local civic organization.

SECTION 10. The auditor shall call the local board of assessors together before beginning their work and shall instruct them that in all cases where a taxpayer is dead, or has removed, or is unknown to any of them, it shall be their duty to make a list of such and at

the conclusion of their work to turn such list over to the tax collector. The tax collector, or assistant tax collector, shall be required to make a personal visit to the territory in which such taxpayer is last listed, and if after a careful investigation he is of the opinion that the person is dead or cannot be found, then same can be nulla bona by the proper authorities and he shall be required to go into this clarification of the tax list immediately after the local boards finish their work, and at the end of three months make a report of such work to the county commissioners and the delegation and submit a copy of same to the treasurer. He shall further be required to turn over to the treasurer on the first of each month all money collected by his office the preceding month.

SECTION 11. The Tax Collector, or Assistant Tax Collector, of Marion County shall receive two dollars execution fee on all taxes so collected by him. The tax collector, or assistant tax collector, upon collecting such taxes, shall turn all costs and fees over to the county treasurer and take receipts therefor, and at the end of each month thereafter the county treasurer is authorized and directed to pay over to the tax collector, or assistant tax collector, two dollars on each execution fee so collected by him.

SECTION 12. The twenty-five hundred dollar item appropriated for the Board of Equalization shall be distributed in the following manner: each member of the board shall be paid seven dollars and fifty cents per day while attending his official duties as such, plus nine cents per mile for mileage.

SECTION 13. All gas, oil and equipment shall be purchased by competitive bid, and also all other supplies where practicable.

SECTION 14. All county officers of Marion County, if they so desire, are authorized to close their respective offices at five o'clock P. M. All county officers and employees shall be entitled to a half-day holiday each week in addition to Sundays and State holidays now being observed, a schedule for such half-day holidays to be arranged by the head of each department; *provided*, however, that deputy sheriffs shall not be entitled to a half-day holiday during the tobacco season except when the same shall be expressly authorized by the sheriff.

SECTION 15. In order to facilitate the preparing of the county appropriations act by the legislative delegation, the county treasurer

shall, on or before the first day of February each year, in writing, report to the legislative delegation the amount of county funds coming into his hands during the preceding calendar year, giving the source of the funds. He shall further report the disbursements made by him during the preceding calendar year showing the amounts disbursed on vouchers by the respective boards of the county, certificates or warrants of the clerk of court, and interest and principal paid on bonds.

The Superintendent of Education of Marion County shall, on or before the first day of February of each year, report to the legislative delegation in writing, a detailed statement of all revenues allotted for school purposes for the preceding school fiscal year and all disbursements made by him for school purposes for the preceding fiscal year. He shall also furnish to the legislative delegation on or before February first of each year an estimate of all anticipated revenues for the present school fiscal year, and an estimate of all disbursements for the present school fiscal year. He shall also furnish to the legislative delegation an estimate of all revenues to be allotted or received for school purposes for the next school fiscal year, and also an estimate of all disbursements for the next school year.

SECTION 16. All appropriations herein made and all services thereby provided shall be expended and used only and solely for public purposes as required by law and the use of any county personnel, equipment or labor for private profit and benefit is strictly forbidden. All authorizations that have been granted and issued by the Marion County Delegation that have not expired by the terms, conditions and limitations thereof shall expire and terminate on June 30, 1966.

SECTION 17. All appropriations herein made are subject to the right and authority of the Marion County Delegation to change, alter, increase, deduct therefrom, or transfer funds from one account to another, at any time without notice, when in its judgment such change, alteration, transfer, increase or deduction is necessary for the best interest of the county and to conform with revenue expected during the life of this act.

SECTION 18. The magistrates' constables hereinabove mentioned shall be appointed by their respective magistrates, and they shall be subject to removal by the same authorities at any time without the preference of charges. They shall have full rural police powers throughout the county. They shall regularly patrol their respective territories,

and faithfully devote their time and effort to the preservation of peace, good order and detection of and prevention of crime therein. *Provided*, however, that the magistrates' constables shall aid and assist the sheriff's office in investigating any and all crimes and the enforcement of law in Marion County. For that purpose they shall be subject to the call of the sheriff of the county at all times and, when so called, they shall work in cooperation with the sheriff and under his direction and supervision. Any constable who fails or refuses to faithfully and officially discharge his duties in this respect shall be deemed guilty of official misconduct and be forthwith removed from office.

SECTION 19. Notwithstanding any provision herein or any act heretofore passed to the contrary, no change, alteration, transfer, increase or deduction in this appropriation act shall be made, save and except upon the recommendation of the legislative delegation or a majority thereof.

PART II

Permanent Provisions

SECTION 1. Notwithstanding any other provisions of law, in the event Marion County does not have a resident senator, all references to the Marion County Legislative Delegation, including the Senator, or a majority of the Marion County Legislative Delegation, shall mean a majority of the members of the House of Representatives from Marion County.

This act shall take effect upon approval by the Governor.

Approved the 8th day of June, 1966.

(R1347, H2583)

No. 1353

An Act To Authorize The Board Of Trustees Of Marion School District No. 1 Of Marion County To Borrow Not Exceeding Thirty-Five Thousand Dollars, For The Purpose Of Purchasing Land For A Marion-Mullins Vocational School Site.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. School District No. 1, Marion County, may borrow money.—The Board of Trustees of Marion School District

No. 1 in Marion County is hereby authorized to borrow not exceeding thirty-five thousand dollars for the purpose of purchasing land for a vocational school site. The vocational school shall be operated jointly by Marion County School District No. 1 and Marion County School District No. 2 under an agreement entered into the fourth day of April, 1966, and Mullins School District No. 2 shall have an equity in the physical assets of the school in proportion to its financial contributions to the cost thereof. Copies of the agreement are on file in the office of the State Superintendent of Education, the office of the Marion County Board of Education, the office of Marion County School District No. 1, and the office of Marion County School District No. 2.

The loan shall be secured by a note executed by a majority of the board of trustees of the district, and shall bear a rate of interest not exceeding four and one-half per cent per annum. The note shall be made payable at such date as the board may determine, not to exceed five years from the date of issuance.

SECTION 2. Refinancing.—The board of trustees may refinance any portion of the outstanding indebtedness due on the note at any time within the five year period by the issuance of new notes therefor, *provided*, such new notes shall mature not later than five years from the date of their issuance.

SECTION 3. Repayment.—In order to provide for the repayment of the loan and interest thereon there is levied an annual tax upon all of the taxable property in Marion County School District No. 1 and Marion County School District No. 2 of Marion County sufficient to pay all principal and interest as they become due. The principal and interest may be paid annually. When the loan is paid the tax so levied for this purpose shall be no longer levied.

It shall be the duty of the Auditor of Marion County to levy the special tax annually on all of the taxable property of Marion County School District No. 1 and Marion County School District No. 2, and the duty of the county treasurer to collect the tax so levied as other taxes are collected by law and to pay the principal and interest on the note as the same becomes due, according to the terms of the note. The full faith and credit and taxing power of Marion County School District No. 1 and Marion County School District No. 2 are hereby irrevocably pledged for the payment of the note and interest.

SECTION 4. Deposit of amount borrowed.—The amount so borrowed shall be deposited with the Treasurer of Marion County

to the credit of Marion School District No. 1 to be expended upon warrants or orders of the proper school officials for the purposes mentioned in this act.

SECTION 5. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 26th day of May, 1966.

(R1366, H2600)

No. 1354

An Act To Authorize The Boards Of Trustees Of Marion School District No. 1 And Mullins School District No. 2 In Marion County To Issue General Obligation Bonds In An Amount Not Exceeding Two Hundred Fifteen Thousand Dollars; To Prescribe The Conditions Under Which The Bonds May Be Issued And The Purposes For Which Their Proceeds May Be Expended; And To Make Provision For The Payment Of The Bonds.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Marion School District No. 1 and Mullins School District No. 2, Marion County, may issue bonds.—To the extent that funds shall be available from the proceeds of the bonds authorized by this act and from any other sources, the Boards of Trustees of Marion School District No. 1 and Mullins School District No. 2 in Marion County may construct and equip a vocational school to be operated jointly by the two school districts. The boards are authorized to raise not exceeding two hundred fifteen thousand dollars for the aforesaid purposes and to that end may issue and sell general obligation bonds of the school districts, without the necessity of holding an election, in the aggregate principal amount of not exceeding two hundred fifteen thousand dollars, if, on the occasion that bonds shall be issued, the applicable constitutional debt limit shall not be exceeded.

SECTION 2 Maturity.—All bonds issued pursuant to this act shall mature in such annual series or installments as the boards shall provide, except that no less than two thousand dollars of the principal indebtedness plus accrued interest shall mature each year for the first five years after issue; and no bonds shall mature later than twenty years from the date of issue.

SECTION 3. Redemption.—Any bond issued pursuant to this act may be issued with a provision permitting its redemption prior to its stated maturity, at par and accrued interest, plus such redemption premium as may be prescribed by the boards, but no bond shall be redeemable prior to its stated maturity unless it contains a statement to that effect. In the proceedings authorizing the issuance of such bonds, provision shall be made specifying the manner of call and the notice thereof that must be given as to bonds made redeemable prior to their stated maturities.

SECTION 4. Form.—The bonds issued pursuant to this act shall be in the form of negotiable coupon bonds, payable to bearer, but may be issued with the privilege to any holder of having them registered as to principal on the books of the Treasurer of Marion County, upon such conditions as the boards may prescribe. Except when so registered, all bonds issued pursuant to this act shall have all attributes of negotiable instruments under the law merchant and the negotiable instruments law.

SECTION 5. Where payable.—The bonds issued pursuant to this act shall be made payable at such places, within or without the State, as the boards shall provide.

SECTION 6. Interest.—Bonds issued pursuant to this act shall bear interest at rates determined by the boards.

SECTION 7. Denomination.—The bonds and the coupons to be thereunto attached shall be in such denomination and shall be executed in such manner as the boards shall by resolution prescribe.

SECTION 8. Sale.—Bonds issued pursuant to this act shall be sold at a price of not less than par and accrued interest to the date of their respective deliveries. They shall be sold after public advertisement of their sale in a newspaper of general circulation in South Carolina. Such published notice shall appear not less than ten days prior to the occasion set for opening bids.

SECTION 9. Payment.—For the payment of the principal and interest of all bonds issued pursuant to this act, as they respectively mature, and for the creation of such sinking fund as may be necessary therefor, the full faith, credit and taxing power of the school districts shall be irrevocably pledged, and there shall be levied annually by the Auditor of Marion County, and collected by the Treasurer of Marion County, in the same manner as county taxes are levied and collected,

on all taxable property in the school districts, a tax sufficient to pay the principal and interest of the bonds as they respectively mature and to create such sinking fund as may be necessary therefor.

SECTION 10. Exempt from taxes.—The principal and interest of bonds issued pursuant to this act shall have the tax-exempt status prescribed by Section 65-4.1 of the 1962 Code.

SECTION 11. Proceeds.—The proceeds derived from the sale of any bonds issued pursuant to this act shall be paid to the Treasurer of Marion County, to be deposited in a bond account fund for the school districts, and shall be expended and made use of as follows:

(a) Any accrued interest shall be applied to the payment of the first installment of interest to become due on such bonds.

(b) Any premium shall be applied to the payment of the first installment of principal of such bonds.

(c) The remaining proceeds shall be expended, upon the warrant or order of the boards, for the following purposes:

(i) To defray the costs of issuing the bonds authorized by this act;

(ii) To provide for the purpose set forth in Section 1 of this act.

(d) If, after the final completion of the boards' program, the boards shall certify to the Treasurer of Marion County that any remaining balance in the bond account is no longer needed for their program, then such balance shall be held by the treasurer and used to effect the retirement of bonds then outstanding, which shall have been issued pursuant to this act.

SECTION 12. Powers additional.—The powers and authorizations hereby conferred upon the boards shall be in addition to all other powers and authorizations previously vested in the boards and may be availed of pursuant to action taken at any regular or special meeting of the boards.

SECTION 13. No other action necessary.—No action other than that prescribed in this act need be taken to effect the issuance of the bonds herein authorized, nor shall the boards be required to obtain the approval of any public agency to any action taken pursuant to the authorizations of this act.

SECTION 14. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 8th day of June, 1966.

(R844, S578)

No. 1355

An Act Providing For The Creation Of Watershed Conservation Districts In Marlboro County, The Election Of Directors Of The Districts And Their Powers And Duties; And Providing For A Levy Of Taxes For The Organization And Administration Of Such Districts And The Construction, Operation And Maintenance Of Works Of Improvement Within Such Districts.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Definitions.—Whenever used or referred to in this act, unless a different meaning clearly appears from the context :

(1) "Watershed conservation district" means a governmental subdivision of this State and a public body corporate and politic, organized in accordance with the provisions of this act, for the purposes, with the powers and subject to the restrictions hereinafter set forth.

(2) "Director" means one of the members of the governing body of a watershed conservation district elected in accordance with the provisions of this act.

(3) "Supervisor" means one of the members of the governing body of the Marlboro Soil Conservation District in which any part of a watershed conservation district is situated.

(4) "Petition" means a petition filed under the provisions of Section 4 of this act for the creation of a watershed conservation district.

(5) "County" means Marlboro County of South Carolina.

(6) "Landowner" or "owner of land" includes any person, firm or corporation who shall hold legal or equitable title to any lands lying within a watershed conservation district organized under the provisions of this act.

(7) "Due notice" means notice published at least twice, with an interval of at least one week between the two publication dates, in a publication of general circulation within the appropriate area, or, if no such publication of general circulation be available, notice posted at a reasonable number of conspicuous places within the appropriate area, such posting to include, where possible, posting at public places where it is customary to post notices concerning county or municipal affairs generally.

SECTION 2. Watershed conservation districts may be formed in Marlboro County.—Authority is hereby granted to form watershed conservation districts within Marlboro County for the purpose of de-

veloping and executing plans and programs relating to any phase of the control and prevention of soil erosion, flood prevention or the conservation, development, utilization and disposal of water.

SECTION 3. Area.—The area embraced in a watershed conservation district must be contiguous and must lie within a well-defined watershed; and such area shall not include lands located within the boundary of any incorporated city or town, or lands embraced in another watershed conservation district.

SECTION 4. Petition for formation.—When twenty-five or more landowners within a proposed watershed conservation district, or, if less than fifty landowners are involved, a majority of such landowners, desire to form a watershed conservation district, they shall file a petition with the supervisors of the soil conservation district asking that a watershed conservation district be organized to function in the area described in the petition. Such petition shall set forth the proposed name of the watershed conservation district; that there is need, in the interest of the public health, safety and welfare, for a watershed conservation district to function in the territory described in the petition; a description of the territory proposed to be organized as a watershed conservation district, which description need not be given by metes and bounds or by legal subdivisions, but shall be deemed sufficient if generally accurate; and the approximate number of acres of land included in the proposed watershed conservation district.

SECTION 5. Hearing upon petition.—(1) Within thirty days after such petition has been filed with the supervisors of the soil conservation district, they shall cause due notice to be given of a hearing upon the question of the desirability and necessity, in the interest of the public health, safety and welfare, of the creation of such watershed conservation district. All interested parties shall have the right to attend such hearing and to be heard. If it shall appear at the hearing that other lands should be included in the petition or that lands included in the petition should be excluded, the supervisors shall permit such inclusion or exclusion, provided the land area involved still meets the requirements of Section 3 of this act.

(2) If it appears upon the hearing that it may be desirable to include within the proposed watershed conservation district territory outside of the area within which due notice of the hearing has been given, the hearing shall be adjourned and due notice of a further hearing shall be given throughout the entire area considered for inclusion

in the proposed watershed conservation district, and such further hearing shall be held. After final hearing, if the supervisors of the soil conservation district determine, upon the facts presented at the hearing and upon other available information, that there is need, in the interest of the public health, safety and welfare, for a watershed conservation district to function in the territory considered at the hearing, they shall make and record such determination, and shall define the area, but the description need not be given by metes and bounds. The description shall be deemed sufficient if generally accurate and the approximate number of acres of land included in the proposed watershed conservation district is shown.

(3) If the supervisors of the soil conservation district determine after such hearing that there is no need for a watershed conservation district to function in the territory considered at the hearing, they shall make and record such determination and shall deny the petition.

SECTION 6. Referendum.—After the supervisors of the soil conservation district have made and recorded a determination that there is need, in the interest of the public health, safety and welfare, for a watershed conservation district to function in the territory considered at the hearing, and have defined the boundaries thereof, they shall consider the question whether the operation of a watershed conservation district within the proposed boundaries with the powers conferred upon it by this act is administratively practicable and feasible. To assist the supervisors in making this determination, they shall, within a reasonable time after the entry of a finding that there is need for the organization of a watershed conservation district and the determination of the boundaries thereof, hold a referendum within the proposed watershed conservation district upon the proposition of the creation of the watershed conservation district. Due notice of the referendum shall be given by the supervisors. Such notice shall state the date of holding the referendum, the hours of opening and closing the polls, and shall designate one or more places within the proposed watershed conservation district as polling places and shall give notice that the directors shall have the power of eminent domain. The supervisors shall have full charge of the referendum and shall have suitable ballots printed and furnished to each polling place; appoint necessary box managers and other referendum officials, and shall canvass the ballots and announce the results. The cost of holding the referendum shall be paid from the general fund of Marlboro County. *Provided*, that notwithstanding any provision of law to the contrary

the power of eminent domain shall not be exercised over the protest of any landowner until it is conclusively established that the land proposed to be condemned is absolutely essential to the creation and operation of the watershed conservation district.

SECTION 7. Question.—The question to be voted on shall be submitted by ballots upon which appear the words:

“For creation of _____ Watershed Conservation District”

“Against creation of _____ Watershed Conservation District”

A square shall follow each proposition. The ballot shall contain a direction to insert an “X” mark in the square following one or the other of the propositions as the voter may favor or oppose creation of the watershed conservation district. The ballot shall set forth the boundaries of the proposed watershed conservation district as determined by the supervisors of the soil conservation district. The qualified electors of the district shall be eligible to vote in the referendum. Qualified voters may vote by absentee ballot in the referendum under such rules and regulations as may be prescribed by the supervisors. No informalities in the conduct of the referendum or in any matters relating thereto shall invalidate the referendum or the result thereof if notice of the referendum shall have been given substantially as herein provided and the referendum shall have been fairly conducted.

SECTION 8. Results—district to be created if results and determination favorable.—The votes shall be counted by the referendum officials at the close of the polls and a report of the results along with the ballots shall be delivered and certified to the supervisors of the soil conservation district; and thereafter the supervisors shall determine whether the operation of the watershed conservation district within the defined boundaries is administratively practicable and feasible. If the supervisors determine that the operation of such district is not administratively practicable and feasible, they shall record such determination and deny the petition. If the supervisors determine that the operation of such district is administratively practicable and feasible, they shall record such determination and shall proceed with the organization of such district in the manner hereinafter set forth; *provided*, however, that the supervisors shall not have authority to determine that the operation of such district is administratively practicable and feasible unless at least a majority of the votes cast in the referendum upon the proposition of the creation of such district shall have been cast in favor of the creation of such district. If the supervisors shall determine that the operation of such district is adminis-

tratively practicable and feasible, they shall certify such determination to the Clerk of Court of Marlboro County, the Code Commissioner and the Secretary of State. Upon proper recordation of such determination, such watershed conservation district shall constitute a governmental subdivision of this State and a public body corporate and politic. After being recorded, such certification shall be filed with the State Soil Conservation Committee.

SECTION 9. Board of directors to govern district—nominating petitions—election—ballots—terms—officers—bond of treasurer.

—(1) The governing body of the watershed conservation district shall consist of five directors, elected as provided herein.

(2) Within thirty days after a watershed conservation district has been created, nominating petitions may be filed with the supervisors of the soil conservation district to nominate candidates of the watershed conservation district for directors. No such nominating petition shall be accepted by the supervisors unless it is signed by twenty-five or more landowners within the watershed conservation district, or, if less than fifty landowners are involved, by a majority of such landowners. If the candidates nominated do not exceed the number of directors to be chosen, the supervisors shall declare them to be elected. No person shall be eligible to be a director of a watershed conservation district who is not a landowner in the watershed conservation district in which he seeks election.

(3) If the candidates nominated for directors of the watershed conservation district exceed the number of directors to be chosen, the supervisors of the soil conservation district shall, after having given due notice thereof, cause an election to be held within the watershed conservation district within a reasonable time after the expiration of the nominating period. The provisions of Sections 5, 6 and 7 of this act as to notice, qualifications of voters, absentee voting and the manner of holding the referendum in organizing a watershed conservation district, shall apply insofar as practicable to the election of the directors. The names of all qualified nominees shall be printed in alphabetical order upon ballots with a square before each name and a direction to insert an "X" mark in the square before any five names to indicate the voter's preference. The qualified electors of the district shall be eligible to vote in the election. The five candidates who shall receive the largest number respectively of the votes cast in the election shall be the directors of the watershed conservation district, and shall, upon the supervision of the supervisors of the soil conservation district, be the governing body of the watershed conservation district.

(4) Of the directors first elected, the two receiving the largest number of votes shall serve for terms of four years, the two receiving the next largest number of votes shall serve for terms of three years, and the one receiving the next largest number of votes shall serve for a term of two years. The term of office of each of their successors shall be for four years. Any vacancy shall be filled for the unexpired term as provided for the original directors.

(5) The directors shall annually designate from among their number a chairman, secretary and treasurer. The treasurer shall execute an official bond for the faithful performance of the duties of his office, to be approved by the directors. Such bond shall be executed by a surety company authorized to do business in this State and shall be in an amount determined by the directors. The premium on each bond shall be paid by the watershed conservation district.

SECTION 10. District to be corporate body—powers and duties.

—A watershed conservation district organized under the provisions of this act shall constitute a governmental subdivision of this State, and a public body corporate and politic, exercising public powers, and such district and the directors thereof shall, subject to the approval of the supervisors of the soil conservation district, have the following powers, in addition to others granted in other sections of this act:

(1) To acquire, by purchase, exchange, lease, gift, grant, bequest, devise, or otherwise, or through condemnation proceedings in the manner provided in Sections 25-101 through 25-140 and Sections 33-121 through 33-148, Code of Laws of South Carolina, 1962, such lands, easements, or rights-of-way as are needed to carry out any authorized purpose of the watershed conservation district; and to sell, lease, or otherwise dispose of any of its property or interests therein in furtherance of the purposes and provisions of this act;

(2) To construct, reconstruct, repair, enlarge, improve, operate, and maintain such works of improvement as may be necessary or convenient for the performance of any of the operations authorized by this act;

(3) To borrow money and to execute promissory notes and other evidences of debt in connection therewith for payment of the costs and expenses of organizing the watershed conservation district for carrying out any authorized purpose of such district, and if promissory notes are issued, to execute such mortgages on any property owned by such district, or assign or pledge such revenues or assessments of

such district as may be required by the lender as security for the repayment of the loan; and to issue, negotiate and sell its bonds as provided in Section 11 of this act;

(4) To levy an annual tax on the real property within the district subject to the limitations provided in Section 13 of this act for payment of the costs and expenses of organizing the watershed conservation district or for carrying out any authorized purpose of such district. Such levy shall be made only after approval by the supervisors of the soil conservation district and the county legislative delegation and upon notifying the county auditor.

SECTION 11. Bonds not to be issued unless referendum held.—

(1) Bonds authorized by Section 10 of this act shall not be issued until proposed by order or resolution of the directors of the watershed conservation district, specifying the purpose for which the funds are to be used and the proposed undertaking, the amount of bonds to be issued, the rate of interest they are to bear, and the amount of any necessary tax levy in excess of the maximum authorized in Section 13 of this act. A copy of the order or resolution shall be certified to the supervisors of the soil conservation district.

(2) The supervisors shall hold a hearing on such proposal after having given due notice. If it appears that the proposal is within the scope and purpose of this act and meets all other requirements of the law, the proposal shall be submitted to the qualified electors of the district by a referendum held by the supervisors.

(3) The provisions of Sections 5, 6 and 7 of this act as to notice, qualifications of voters, absentee voting, and manner of holding the referendum in organizing a watershed conservation district shall apply to the referendum held under this section.

(4) If two-thirds of the votes cast in such referendum favor the proposal, the directors shall, with the approval of the supervisors, be authorized to issue such bonds.

SECTION 12. Compensation.—The directors of the watershed conservation district shall receive no compensation for their services but they may be reimbursed for expenses, including traveling expenses, necessarily incurred in the performance of their duties as approved by the supervisors of the soil conservation district.

SECTION 13. Budget—tax levy.—Within the first quarter of each calendar year, the directors of the watershed conservation district shall prepare an itemized budget of the funds needed for administration of

the watershed conservation district and for construction, operation and maintenance of works of improvements. After approval of such budget by the supervisors of the soil conservation district, the county auditor shall levy a tax sufficient to meet such budget on all real property within the watershed conservation district at a sufficient rate to cover the annual cost of maintenance of watershed as stated in the official work plan on each dollar of assessed valuation, except that this limitation shall not apply to any levy necessary to provide a sinking fund for the retirement of bonds authorized by Section 11 of this act. A copy of such budget shall be certified to the Auditor of Marlboro County.

SECTION 14. List of landowners and acres subject to assessment.—(1) The directors of the watershed conservation district with the assistance of the county auditor shall prepare a list of the landowners involved showing the number of acres subject to assessment.

(2) When the property tax rolls are delivered to the county treasurer by the county auditor, as required by law, the county treasurer shall compute the tax due the watershed conservation district from each landowner in accordance with the rate fixed by the directors and the value of the real property indicated on the tax roll. The computation shall be made on the regular tax bills.

SECTION 15. Collection of taxes.—(1) The county treasurer shall collect the taxes due the watershed conservation district at the same time and in the same manner as he collects other taxes of the county.

(2) The taxes shall be subject to the same due and delinquency dates, discounts, penalties and interest as are applied to the collection of county taxes.

SECTION 16. Expenditures.—Tax funds collected shall be transferred to and held by the treasurer of the watershed conservation district for the specific purpose for which they have been collected. All expenditures of such funds shall be made by the directors of the watershed conservation district with the approval of the supervisors of the soil conservation district.

SECTION 17. Petition to have lands detached.—The owners of lands which have not been, are not and cannot be benefited by their inclusion in the watershed conservation district may petition the supervisors of the soil conservation district to have such lands detached. The petition shall describe such lands and state the rea-

sons why they should be detached. A hearing shall be held by the supervisors within thirty days after the petition is filed and due notice of such hearing shall be given by the supervisors. If it is determined by the supervisors that such lands shall be detached, such determination shall be certified to the Auditor of Marlboro County for recording. After being recorded, the certification shall be filed with the State Soil Conservation Committee.

SECTION 18. Petition for discontinuance of district—hearing—referendum—discontinuance if election and determination favorable.—(1) At any time after five years after the organization of a watershed conservation district twenty-five or more landowners within such district, or if less than fifty landowners are involved, a majority of such landowners, may file a petition with the supervisors of the soil conservation district asking that the existence of the watershed conservation district be discontinued. The petition shall state the reasons for discontinuance, and that all obligations of the watershed conservation district have been met. The supervisors may conduct such hearings upon the petition as may be necessary to assist them in the consideration thereof.

(2) Within sixty days after petition has been filed with the supervisors they shall give due notice of the holding of a referendum. The supervisors shall hold such referendum substantially as provided for in Section 11 of this act. The question shall be submitted by ballots upon which the words “For terminating the existence of _____ Watershed Conservation District” and “Against terminating the existence of the _____ Watershed Conservation District” shall be printed, with a square before each proposition and a direction to insert an “X” mark in the square before one or the other of the propositions as the voter may favor or oppose the discontinuance of such watershed conservation district. The qualified electors of the watershed conservation district shall be eligible to vote in the referendum. No informality in the conduct of the referendum or in any matters relating thereto shall invalidate the referendum or the results thereof if notice of the referendum shall have been given substantially as herein provided and the referendum shall have been fairly conducted.

(3) The supervisors shall publish the results of the referendum and shall thereafter determine whether the continued operation of the watershed conservation district is administratively practicable and feasible. If the supervisors determine that the continued operation

of the watershed conservation district is administratively practicable and feasible, they shall record such determination and deny the petition. If the supervisors determine that the continued operation of the watershed conservation district is not administratively practicable and feasible, they shall record such determination and shall certify such determination to the directors of the watershed conservation district; *provided*, however, that the supervisors shall not be authorized to determine that the continued operation of the watershed conservation district is administratively practicable and feasible unless at least a majority of the votes cast in the referendum shall have been cast in favor of the continuance of the watershed conservation district.

(4) Upon receipt from the supervisors of a certification that they have determined that the continued operation of the watershed conservation district is not administratively practicable and feasible, the directors shall forthwith proceed to terminate the affairs of the watershed conservation district. A copy of the determination shall be certified to the Auditor of Marlboro County for recording. After being recorded, the certification shall be filed with the State Soil Conservation Committee.

SECTION 19. Supervisory authority if district discontinued.—

If the Marlboro Soil Conservation District is discontinued, all supervisory authority over the affairs of the watershed conservation district which was previously exercised by the supervisors shall thereafter be exercised by the governing body of Marlboro County.

SECTION 20. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 11th day of March, 1966.

(R1007, S643)

No. 1356

An Act Directing The State Highway Department To Include A Certain Road In Marlboro County In Its System.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Road in Marlboro County included in highway system.—The State Highway Department is hereby directed to include in its system Road 35-344 from State Highway 9 to Road

35-36 in Marlboro County, which was removed from the system pursuant to Act 613 of 1961.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 22nd day of April, 1966.

(R1361, H2645)

No. 1357

An Act Relating To The Fiscal Affairs Of Marlboro County And The School Districts Thereof; To Provide A Levy Of Taxes For County Purposes For The Fiscal Year Beginning July 1, 1966, And For The Expenditure Thereof; And To Make Provisions For The Due Payment Of Existing Indebtedness Of Marlboro County.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. The following amounts are appropriated from the General Fund of Marlboro County for the purposes herein stated:

Item 1. Law Enforcement and Administration of

Justice:

(A) Sheriff's Office:

Salaries:

Sheriff	\$ 6,000.00
Clerical Assistant	3,300.00
Deputy Sheriffs (2 jailors)	6,480.00
Cook (Jail)	1,020.00
Rural Policemen and Deputy Sheriffs (six) ...	30,820.00
Contingent Fund, Uniform Fund and Radio Fund	2,500.00
Dieting Prisoners	6,000.00
Medical Expense (Jail)	600.00
Servicing Law Enforcement Vehicles	7,500.00
Post Mortems, Inquests and Lunacies	1,250.00

(B) Judiciary:

County Judge	6,000.00
Attorney, to be appointed by County Delegation	1,500.00
Attorney Fee for Assistant Circuit Solicitor ...	1,500.00

Magistrates:

McColl	1,200.00
Office Rent, McColl Magistrate	200.00
Office Rent, Clio Magistrate	200.00
Bennettsville	2,700.00
Clio	660.00
Brightsville	600.00
Wallace	600.00
Brownsville	600.00

Provided, it shall be the duty of the Board of Commissioners to audit the Magistrates' books monthly, and see that all fines have been turned over to the Treasurer before pay warrants are issued.

Bailiffs, Witnesses, Court Attaches to be paid four dollars per day; Jurors and Grand Jurors eight dollars per day and mileage; Coroner's Jurors five dollars per day

7,000.00

Total, Item 1\$ 88,230.00

Item 2. Supervisor's Office:

(A) Salaries:

Supervisor	\$ 7,500.00
Clerk of County Highway Commissioners	3,960.00

(B) Roads, Bridges, Maintenance and Convicts	105,000.00
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Total, Item 2\$116,460.00

Item 3. Courthouse Officials, Courthouse, Public Buildings, Insurance and Office Supplies:

(A) Salaries:

Treasurer	\$ 3,800.00
Assistant to Treasurer	3,180.00
Clerk of Court	1,620.00
Assistant to Clerk of Court	3,180.00
Second Assistant to Clerk of Court	3,180.00
Auditor	3,800.00
Assistant to Auditor	3,420.00
County Service Officer	2,187.00
Assistant County Service Officer	1,944.00
Clerk—Judge of Probate	240.00

Coroner	2,100.00
Supplement to Game Warden Salaries	2,400.00
Part-time Secretary for Soil Conservation Office	1,300.00
Assistant to County Agent	240.00
Forest Ranger	300.00
(B) Supplies:	
Janitor, Courthouse	2,980.00
Workmen's Compensation Premium	1,500.00
Social Security	7,000.00
Water, lights, fuel, repairs and insurance	27,500.00
Printing, postage and stationery	7,000.00
Audit of County Books	2,800.00
For retirement of County Officers, if so much be necessary	10,800.00
Total, Item 3	\$ 92,471.00
Item 4. Public Health, Charities and Social Welfare:	
Sanitary Officer	\$ 300.00
Health Department	14,685.00
Marlboro County General Hospital, to supple- ment charity aid from Duke Foundation	14,500.00
Marlboro Tuberculosis Association	1,250.00
Library Association	8,920.00
Home and Recreational Center for Aged Ne- groes of Marlboro County	750.00
Marlboro County U.D.C.	15.00
Armory Maintenance Fund	1,000.00
Mileage for Child Welfare Work	1,600.00
Public Welfare Department	4,560.00
Telephone Expenses for Welfare Department ..	900.00
Tri-County Mental Health Clinic	6,200.00
Total, Item 4	\$ 54,680.00
Item 5. Marlboro County Agricultural and Development Board:	
(A) Salaries:	
Executive Director	\$ 8,500.00
Secretary	3,120.00
(B) Miscellaneous:	
Auto Expense (Director)	500.00

General Economic Development Fund	2,500.00
Publication, Directories, Professional Dues and Services	550.00
(C) Office Supplies and Telephone:	
Supplies	550.00
Telephone	750.00
Total, Item 5	\$ 16,470.00
Item 6. Miscellaneous Contingent:	
Bonds, County Officers	\$ 1,500.00
Demonstration Supplies for Home Agents	125.00
Boys' 4-H Clubs	100.00
Girls' 4-H Clubs	100.00
Negro Boys 4-H Clubs	100.00
Negro Girls' 4-H Clubs	100.00
County Agent	600.00
Assistant County Agent	300.00
Salaries of Prison Camp Preachers	480.00
Lake Wallace Recreation Project	2,500.00
County Home Demonstration Agent	300.00
Total, Item 6	\$ 6,205.00
Item 7. Civil Defense:	
Marlboro County Rescue Squad	\$ 1,250.00
Total, Item 7	\$ 1,250.00
Item 8. Special Contingent Fund	\$ 15,000.00
Total, Item 8	\$ 15,000.00
Item 9. Special Airport Contingent Fund	\$ 53,000.00
Total, Item 9	\$ 53,000.00
GRAND TOTAL	\$443,766.00
ESTIMATED REVENUE:	
State Sources:	
Gasoline Tax	\$ 94,000.00
Income Tax	65,000.00
Alcoholic Liquors Tax	30,000.00

Beer and Wine Tax	7,500.00
Bank Tax	3,000.00

Total derived from State Appropriations herein \$199,500.00

County Sources:

15 Mills Property Tax and Executions	\$170,000.00
Court Fines and Magistrates' Collections	70,000.00
Marriage Fees	2,000.00

Total derived from County Sources for appropriations herein\$242,000.00

GRAND TOTAL—ESTIMATED

REVENUE\$441,500.00

All funds by this act provided for the Department of Public Welfare in Marlboro County shall be deposited in a bank to the credit of the Department of Public Welfare and disbursed by check signed by the county director and countersigned by a member of the Board of Public Welfare, to be by the board designated. *Provided*, the director's salary shall be paid by the County Commissioners as is customary in the claims against the county.

SECTION 2. The Board of County Highway Commissioners and all other officers of Marlboro County are requested and directed to be economical in the expenditure of all public funds, and to keep the expense below the appropriations when practicable and consistent with public requirements, and no unused appropriated fund shall be carried forward for the particular use in the succeeding year, but shall be transferred to the contingent fund provided for in this section. In no case shall the expenditure exceed the appropriation for any purpose; *provided*, that out of the surplus contingent fund are to be paid all necessary expenses for which no specific appropriation was made herein, and for unavoidable expenses in excess of the appropriations for any purpose. No officer, agent or employee of Marlboro County shall contract any debt for any purpose, or expend any sums in excess of the appropriations in this act provided for such specific purpose, and for any and all violations thereof they, and their bondsmen, shall be jointly and severally liable. Any officer, agent or employee shall be personally liable for any such debt contracted.

SECTION 3. All funds herein appropriated for Marlboro County Agricultural and Development Board shall be expended pursuant to the direction and authorization of the board.

SECTION 4. The sheriff of the county shall have the right, whenever he considers such necessary, to call in the county attorney to prosecute before any magistrate in any and all cases; the fee of the county attorney is to be approved and paid by the county commissioners. *Provided*, however, that no more than three hundred dollars shall be expended pursuant to this section.

SECTION 5. The sheriff of the county is hereby directed to so regulate the movement and activities of the rural policemen that all sections of the county shall enjoy the protection of the law without favor and without neglect.

The protection of all school property is hereby made a special mission of the sheriff and his force. He is particularly directed to so regulate the enforcement of the law as to protect school property from injury, theft and destruction; and to enforce the law against plowing in the roads. The contingent fund and uniform appropriation of one thousand five hundred dollars hereinabove made shall be expended by the Sheriff of Marlboro County for the enforcement of law and purchase of uniforms for county officers.

SECTION 6. The County Board of Highway Commissioners of Marlboro County is hereby declared to be the sole financial and purchasing agent of Marlboro County, and when any officer or board of the county desires new equipment or supplies, or replacement, or extraordinary service in connection with his or their office, or desires that any expenditure be made, or expense be incurred in regard to his or their office, whether specifically appropriated in this act or not, or desires to make any purchase or incur any expense, he shall file his request for same, in writing, with the County Board of Highway Commissioners, who shall make such purchase in accordance with provisions herein made. No officer or board shall have any authority to make contracts of purchase or incur other obligations in the name of the county except as authorized by law, and no contracts made, except as herein provided, shall be valid to bind the county. No bill account or invoice shall be paid unless the procedure hereinabove set forth has been complied with except upon written approval of the delegation.

SECTION 7. The appropriation of fourteen thousand five hundred dollars for the treatment in Marlboro County General Hospital of deserving charity patients, whose condition demands hospital treatment, is made subject to the following conditions: that no deserving charity patient as above described shall be turned away as long as there are facilities and room in the hospital; that there shall be no charge whatsoever except the daily expense of twenty-two dollars and forty-six cents per patient. *Provided*, that the funds shall be available for use of the Marlboro County General Hospital only upon itemized statements of the actual days spent in the hospital by charity patients, signed by each patient individually and certified by the hospital management, such statement being presented to the board of county commissioners at its regular monthly meetings. The Duke Foundation payment for charity work of one dollar per day is to be deducted from the amount of twenty-two dollars and forty-six cents, leaving twenty-one dollars and forty-six cents per charity patient to be paid by the county. These conditions and provisions are to be interpreted and enforced as meaning that when the Duke Endowment gives one dollar for charity work, the county will give twenty-one dollars and forty-six cents, not to exceed in total amount the sum of fourteen thousand five hundred dollars for the year 1966-1967. County funds shall be available only to match in this way funds coming from the Duke Foundation for charity beds, and shall be paid only in cases approved as charity cases by the Duke Foundation. The board of county commissioners is authorized and directed to prepare and have printed for use by the patient and hospital management forms and blanks for making the above-mentioned certified statements. *Provided*, further, that the charity patients referred to must be citizens of Marlboro County.

SECTION 8. The sheriff shall be allowed one dollar and twenty-five cents per day per prisoner for feeding prisoners, but no payment beyond the total sum of six thousand dollars is to be made.

SECTION 9. The janitor of the courthouse shall be hired by the supervisor.

SECTION 10. The county commissioners shall receive as pay for their services the sum of fifteen dollars for each day actually engaged on official duty and mileage at the rate of nine cents per mile actually traveled. All are to be paid from the contingent fund.

SECTION 11. The sheriff's stenographer shall also be available and provide such services as may be necessary for the Magistrates and the Coroner of Marlboro County. The coroner is authorized and directed to have the stenographer take down stenographically all testimony at inquests held in the county; and at such inquests the coroner shall swear and examine every eyewitness. The stenographer shall make an original and one copy of the testimony taken at such inquest, and he or she shall sign and deliver the original to the coroner, and one copy to the solicitor.

SECTION 12. The sheriff is authorized to sell all materials, supplies, or other property seized or confiscated by him or his officers, where not prohibited by law, and the proceeds shall be turned over to the sheriff's contingent fund to be used for ordinary purposes of his office.

SECTION 13. The board of commissioners shall publish once each month in some newspaper published in Marlboro County an itemized statement of all expenditures of county funds, contract for publishing the same to be let to the newspaper making the lowest bid.

SECTION 14. The county supervisor shall be the executive head of the county board of highway commissioners; but each member of the board of county highway commissioners shall have equal authority and the board shall at each monthly meeting provide for and set out generally the work to be done the following month on the county road system.

SECTION 15. The county commissioners are hereby authorized and empowered to borrow money for county purposes in anticipation of collection of taxes and to pledge such taxes when collected, as well as the full faith and credit of Marlboro County, for its repayment, upon the written approval of the legislative delegation. No amount shall be borrowed in excess of anticipated taxes.

SECTION 16. The funds appropriated and set aside in this act shall be used only for the purposes set forth herein. In the event funds are used for items for which they were not appropriated, all officers, agents or employees who take part in or have anything whatsoever to do with the transfer or use of such funds shall be deemed guilty of malfeasance in office and subject to removal at once by the Governor of the State of South Carolina, or by the proper officials of Marlboro County. Monies may be transferred from any

account, item, or county fund to any other account, item or county fund upon the written direction and approval of the legislative delegation.

SECTION 17. The Board of Commissioners of Marlboro County shall have no authority to make donations for any purpose.

SECTION 18. At least fifteen hundred dollars of the eight thousand nine hundred twenty dollars appropriated to Library Association in Item 4 hereof shall only be used by such association for necessary expense in operating a circulating library over the county.

SECTION 19. In order to raise the funds herein appropriated or authorized to be spent, not provided otherwise by law, the county auditor is authorized and directed to levy ten mills upon all taxable property in Marlboro County.

SECTION 20. Any unexpended funds now in, or hereinafter due to, the Courthouse Fund shall be transferred by the Treasurer of Marlboro County to the County General Fund.

SECTION 21. Funds of the Marlboro County Hospital and Health Center Fund may be used only upon the written authorization of the Legislative Delegation from Marlboro County. All or any part of such fund may be so transferred to appropriations for Marlboro County Hospital, or for other uses of the hospital as herein provided, or otherwise.

SECTION 22. Repairs and service to sheriff's radios and radio equipment shall be paid out of the sheriff's contingent fund.

SECTION 23. All funds herein provided for Marlboro County Health Department may be used only upon written authorization of the Legislative Delegation from Marlboro County.

SECTION 24. The appropriation herein made for salaries for rural policemen and deputy sheriffs shall be allocated by and in the discretion of the Sheriff of Marlboro County among the deputy sheriffs and rural policemen.

SECTION 25. All execution fees collected by the tax collector which have heretofore been payable to the Treasurer of Marlboro County as the treasurer's fees for collection of delinquent taxes shall from the date of this act be payable to the Treasurer of Marlboro County as funds of the county, and shall be deposited by the Treas-

urer of Marlboro County in the County General Fund. All commissions or fees collected by the Treasurer of Marlboro County for the sale of State documentary stamps shall be paid over to the General Fund of the county by the treasurer. All fees heretofore paid to the Auditor of Marlboro County for any purpose whatsoever shall be paid over to the Treasurer of Marlboro County as county funds, and shall be deposited by the treasurer in the General Fund of the county. This act will in no way affect the execution fees due the estate of L. K. Breeden, deceased, on delinquent taxes that may hereafter be collected.

SECTION 26. The appropriation herein made for Armory maintenance shall be expended pursuant to the written direction and authorization of the Commanding Officer of Co. A., 3rd Bn. (mechanized) 118th Infantry. Such written authorization shall contain an itemization of expenditures.

SECTION 27. The appropriation made in Item 7, "Special Contingent Fund" shall be expended on the written authorization and direction of the Marlboro Legislative Delegation and shall be expended in connection with a special program tax equalization.

SECTION 28. The appropriation herein made for the Lake Wallace recreation project shall be expended pursuant to the written authorization of the Marlboro County Legislative Delegation.

SECTION 29. The appropriation herein made for "airport" shall be expended pursuant to the written authorization of the Marlboro County Legislative Delegation.

SECTION 30. The Senator holding Senate Seat No. 1 for Senatorial District No. 9 shall be deemed a member of the Marlboro County Legislative Delegation for all purposes contemplated by this act and which authorize and/or require action by the Marlboro County Legislative Delegation.

SECTION 31. This act shall take effect upon approval by the Governor.

Approved the 1st day of June, 1966.

(R745, H1959)

No. 1358

An Act To Provide For The Levy Of Taxes For Newberry County For The Fiscal Year Beginning July 1, 1966, And Ending June 30, 1967, And To Provide For The Expenditure Thereof.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. The following amounts are hereby appropriated for the following purposes for the County of Newberry for the fiscal year beginning July 1, 1966, and the salaries of officers and employees are fixed as hereinafter stated:

Item 1. For salaries of county officers, to be disbursed as follows:

Clerk of Court of Common Pleas and General Sessions and Register of Mesne Conveyances ..\$	7,500.00
Assistant	4,894.08
Clerical Help for Clerk of Court	3,380.04
Sheriff	7,500.00
Deputy Delinquent Tax Collector	5,500.08
Deputy Help for Tax Collector, to be expended on authorization of Tax Collector	3,380.04
Jailor	3,600.00
Assistant Jailor	916.08
Nine Deputy Sheriffs	46,800.72
County Attorney	2,400.00
County Treasurer	3,437.04
Clerical Help for Treasurer	3,380.04
County Auditor	3,437.04
Assistant Auditor	4,894.08
Joint Clerical Help for Auditor and Treasurer ..	3,380.04
Probate Judge	7,500.00
Clerical Help for Probate Judge	3,380.04
Coroner	1,534.08
County Supervisor	7,500.00
Two Commissioners @ \$1,631.60 each	3,263.20
Clerk of County Board	6,000.00
Clerical Help for Board of Commissioners and Delegation	3,380.04
Assistant County Agent	1,260.00
County Agent	1,260.00

Provided, Clemson University Extension Service reimburses the Assistant County Agent of Newberry County to the amount of four hundred eighty dollars.

Building and Grounds Custodian	1,500.00
Magistrates as follows:	
District No. 1, Whitmire	1,854.00
District No. 2, Newberry	4,450.08
Clerical Help	1,690.08
District No. 3, Prosperity	1,484.04
District No. 4, Pomaria	989.04
District No. 5, Chappels	989.04
District No. 6, Little Mountain	989.04
Hostess for Community Hall	1,500.00
Keeper, Ladies' Rest Room	1,500.00
Keeper, Colored Rest Room	1,200.00
Newberry County Board of Registration	742.04
Welfare Department, Salary Supplement	10,572.00

Provided, that the Sheriff be allowed the fees for dieting federal and county prisoners according to the dieting fees allowed by Federal and State authorities; and, *provided*, further, that the Treasurer is hereby authorized to pay all exchange charges by the banks on checks given in payment of taxes. *Provided*, further, that all monies received by the Treasurer from the State for the County Service Officer shall be paid to the Newberry County Service Officer as salary in twelve equal monthly installments.

Total, Item 1	\$168,936.00
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Item 2. Supervisor's Office:

(a) Chain gang maintenance	\$ 25,000.00
(b) For repairs on public buildings, contingent expenses and supplies:	
(1) Telephone Service	3,900.00
(2) Water and Lights	3,200.00
(3) Fuel	3,800.00
(4) Insurance	2,200.00
(5) Repairs	4,000.00
(6) Janitor Supplies	1,000.00

(c) For Road Maintenance 60,000.00

Provided, that any unexpended funds appropriated for this purpose for the fiscal year 1965-1966 shall be added to the funds hereby appropriated.

(d) For purchase of Truck, Repair of Equipment and Machinery, and Cement Pipe 6,000.00

(e) Miscellaneous Contingent Fund 10,000.00

Provided, \$5,000.00 of the above sum shall be spent upon the approval of the legislative delegation, and \$5,000.00 shall be spent upon the approval of the County Board of Commissioners.

Provided, further, that telephone credit cards shall be obtained for members of the legislative delegation for official use and shall be keyed to the supervisor's office telephone.

Total, Item 2 \$119,100.00

Item 3. For books, stationery, postage, printing and re-binding books and records in the County Courthouse, if so much be necessary \$ 7,500.00

Total, Item 3 \$ 7,500.00

Item 4. Miscellaneous and Contingent Expenses to be applied as follows:

Uniforms for nine Deputy Sheriffs \$ 2,250.00

For premiums on bonds of county officers, if so much be necessary 850.00

Travel, County Auditor 300.00

Welfare Worker, Travel Expense at nine cents per mile, if so much be necessary 600.00

Stenographer, Home Demonstration Agent's Office 964.00

Travel for building and grounds custodian 360.00

Travel for tax collector 300.00

Official expense for supervisor 300.00

Office rent and telephone, Magistrate (Dist. 3) 240.00

Stenographer, County Agent's Office 480.00

Postage, Office Incidentals and Demonstration Material for:

Home Demonstration Agent 150.00

County Agent	150.00
Boys' and Girls' 4-H Club Work	400.00
For Negro Home Demonstration Agent	1,123.92
Expenses, Negro Home Demonstration Agent	100.00
Clerical Help for Negro Home Demonstration Agent	1,701.00
Expenses, Negro County Agent	100.00
For printing, in county newspaper, itemized quarterly reports of expenditures by the County Board of Commissioners	660.00
For Regional Library	8,600.00
Fuel, Whitmire Public Library	400.00
To S. C. Industrial Commission, Workmen's Compensation Act	3,500.00
To S. C. Retirement Fund and Insurance	19,000.00
Social Security	7,240.00
Emergency Relief	1,700.00
To County Treasurer for handling Documentary Stamps	300.00
For County Audit	1,500.00
County Health Work	8,000.00
For County Artificial Breeding Association	1,000.00
For the purpose of a new automobile and radio for Sheriff's office, if so much be necessary ...	2,000.00
Expenses of Service Officer	500.00
Travel for Coroner, payable \$25.00 monthly ...	300.00
Members, County Board of Public Welfare at \$360.00 each	1,080.00
For maintenance of car radios for Sheriff's office at \$41.50 per month	498.00
For expenses of Clerk of Court in handling non-support cases	300.00
Total, Item 4	\$ 66,946.92
Item 5. Board of Tax Review and Appeals	\$ 1,260.00
<i>Provided, the Board shall meet once per month.</i>	
Total, Item 5	\$ 1,260.00

Item 6.	For expenses of Court of Common Pleas and General Sessions, if so much be necessary	\$ 6,500.00
	<i>Provided</i> , jurors and bailiffs shall be paid ten dollars per day.	
	Total, Item 6	\$ 6,500.00
Item 7.	For dieting prisoners @ ninety cents per day, if so much be necessary	\$ 5,500.00
	Total, Item 7	\$ 5,500.00
Item 8.	Post Mortems and Lunacy and Coroner's Inquests, if so much be necessary	\$ 900.00
	Total, Item 8	\$ 900.00
Item 9.	National Guard Armory, Whitmire, 124th Eng. Co.	\$ 1,200.00
	Custodian, Newberry National Guard Armory	2,500.00
	Total, Item 9	\$ 3,700.00
Item 10.	Official Expense for nine Deputy Sheriffs, to be paid in monthly installments of \$30.00 each . .	\$ 3,240.00
	Fingerprinting expense for Sheriff's office	300.00
	Total, Item 10	\$ 3,540.00
Item 11.	Board of Rural Fire Control, to be paid upon approval of a majority of the Board	\$ 10,000.00
	Total, Item 11	\$ 10,000.00
Item 12.	Rent, Civil Defense Office (county's share) . .	\$ 600.00
	Supplies and equipment maintenance, Civil Defense office	9,500.00
	Civil Defense Director	1,875.00
	Clerical help for Civil Defense (county's share)	1,690.00
	<i>Provided</i> , no expenditure in excess of \$500.00 shall be made from this fund without the prior written approval of the legislative delegation.	
	Total, Item 12	\$ 13,665.00

Item 13. Tax Assessor's Office:

Salaries: Tax Assessor's Tax Collector	\$ 7,500.00
Two Secretaries @ \$3,380.00	6,760.00
Salaries to be set by Tax Assessor ..	20,400.00
Mileage, if so much be necessary	300.00

Total, Item 13\$ 34,960.00

Item 14. Development Board Expenses\$ 6,000.00

Total, Item 14\$ 6,000.00

GRAND TOTAL\$448,507.92

SECTION 2. All salaries herein provided shall be for the fiscal year 1966-1967 and shall be paid monthly.

SECTION 3. All revenue and income accruing to the County of Newberry in 1966-1967 from other sources than from the taxes herein provided shall be used for meeting the appropriation herein made.

SECTION 4. The county auditor is hereby authorized, empowered, directed and required to levy upon all of the taxable property in Newberry County for the year beginning July 1, 1966, after taking into consideration funds accruing to the county from the State and all other sources, a sufficient tax levy to raise a sufficient sum of money to pay interest on the county indebtedness and all appropriations made herein inclusively.

SECTION 5. A special levy of one mill for the year beginning July 1, 1966, is hereby levied and directed to be collected on all real and personal property of Newberry County returned for taxation, for the exclusive purpose of creating a fund for the Newberry County Hospital.

SECTION 6. The Newberry County Legislative Delegation is hereby vested with full power and authority to order an audit during the year 1966-1967 of any and all departments, offices and officers of Newberry County.

SECTION 7. The penalty of three per cent on delinquent taxes shall go to Newberry County; *provided*, however, that the delinquent tax collector of Newberry County and his authorized agents and

deputies shall be entitled to the mileage actually traveled and allowed by law for one trip only to each delinquent.

SECTION 8. The Treasurer of Newberry County is hereby authorized and empowered to borrow such money as is necessary to meet the ordinary expenses of Newberry County.

SECTION 9. This act shall take effect upon approval by the Governor.

Approved the 25th day of January, 1966.

(R1034, H2113)

No. 1359

A Joint Resolution Proposing An Amendment To Article I, Section 17, Of The Constitution Of South Carolina, 1895, Relating To Criminal Punishment, Double Jeopardy And The Taking Of Private Property, So As To Authorize The Town Of Prosperity To Undertake And Carry Out Slum Clearance And Redevelopment Work And To Provide For The Use Of The Power Of Eminent Domain By The Town Of Prosperity Acting Through Its Town Council Or Any Housing Or Redevelopment Authority.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Findings of General Assembly.—The General Assembly finds that if the Town of Prosperity is to be permitted to undertake urban renewal programs, it is necessary that Section 17 of Article I of the Constitution be amended in such fashion as to authorize the Town of Prosperity to acquire private property for such purposes, inasmuch as without such specific authorization the provisions of Section 17 of Article I relating to taking of private property, as construed by the Supreme Court of South Carolina in the case of *Edens vs. City of Columbia*, decided January 30, 1956 and reported in 228 S. C., page 563, 91 S. E. (2d) 280, do not now authorize such action. Accordingly, the General Assembly proposes to submit to the qualified electors of the State at the next general election the question of whether Section 17 of Article I of the State Constitution should be amended in such fashion as to permit the Town of Prosperity to acquire private property in order to undertake a program of urban renewal within the corporate limits of such town as now or hereafter constituted.

SECTION 2. Amendment to Article I, Section 17, State Constitution, proposed—Town of Prosperity may undertake slum clearance and redevelopment—eminent domain.—It is proposed that Section 17 of Article I of the Constitution of South Carolina, 1895, be amended by adding at the end thereof the following: “*Provided*, that the Town of Prosperity may, pursuant to statutory law, now existing or hereafter enacted, and acting through its town council or through any housing or redevelopment authority, now or hereafter established, undertake and carry out slum clearance and redevelopment work in areas which are predominantly slum or blighted, the preparation of such areas for re-use, and the sale or other disposition of such areas to private enterprise for private uses or to public bodies for public uses, and to that end shall exercise the power of eminent domain as to all property, not already devoted to a public use, essential to the plan of slum clearance and redevelopment which cannot be acquired by gift or purchase.”

SECTION 3. Submission to electors.—The proposed amendment shall be submitted to the qualified electors at the next general election for representatives. Ballots shall be provided at the various voting precincts with the following words printed or written thereon: “Shall Section 17 of Article I of the Constitution of South Carolina, 1895, be amended so as to permit the use of the power of eminent domain by the Town of Prosperity or housing or redevelopment authorities functioning in the Town of Prosperity for the purpose of slum clearance and redevelopment work in areas within the corporate limits of the Town of Prosperity which are predominantly slum or blighted, in order to acquire and clear such areas, to prepare them for re-use and for sale or other disposition to private enterprise for private purposes or to public bodies for public purposes?”

In favor of the amendment ☐

Opposed to the amendment ☐

Those voting in favor of the amendment shall deposit a ballot with a check or cross mark in the square after the words ‘In favor of the amendment’, and those voting against the amendment shall deposit a ballot with a check or cross mark in the square after the words ‘Opposed to the amendment’.”

Ratified the 21st day of April, 1966.

(R1048, H2112)

No. 1360

A Joint Resolution Proposing An Amendment To Article I, Section 17, Of The Constitution Of South Carolina, 1895, Relating To Criminal Punishment, Double Jeopardy And The Taking Of Private Property, So As To Authorize The Town Of Whitmire To Undertake And Carry Out Slum Clearance And Redevelopment Work And To Provide For The Use Of The Power Of Eminent Domain By The Town Of Whitmire Acting Through Its Town Council Or Any Housing Or Redevelopment Authority.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Findings of General Assembly.—The General Assembly finds that if the Town of Whitmire is to be permitted to undertake urban renewal programs, it is necessary that Section 17 of Article I of the Constitution be amended in such fashion as to authorize the Town of Whitmire to acquire private property for such purposes, inasmuch as without such specific authorization the provisions of Section 17 of Article I relating to taking of private property, as construed by the Supreme Court of South Carolina in the case of *Edens v. City of Columbia*, decided January 30, 1956 and reported in 228 S. C., page 563, 91 S. E. (2d) 280, do not now authorize such action. Accordingly, the General Assembly proposes to submit to the qualified electors of the State at the next general election the question of whether Section 17 of Article I of the State Constitution should be amended in such fashion as to permit the Town of Whitmire to acquire private property in order to undertake a program of urban renewal within the corporate limits of such town as now or hereafter constituted.

SECTION 2. Amendment to Article I, Section 17, State Constitution, proposed—Town of Whitmire, slum clearance and redevelopment—eminent domain.—It is proposed that Section 17 of Article I of the Constitution of South Carolina, 1895, be amended by adding at the end thereof the following: "*Provided*, that the Town of Whitmire may, pursuant to statutory law, now existing or hereafter enacted, and acting through its town council or through any housing or redevelopment authority, now or hereafter established, undertake and carry out slum clearance and redevelopment work in areas which are predominantly slum or blighted, the preparation of such areas for re-use, and the sale or other disposition of such areas to private enterprise for private uses or to public bodies for public uses, and

to that end shall exercise the power of eminent domain as to all property, not already devoted to a public use, essential to the plan of slum clearance and redevelopment which cannot be acquired by gift or purchase."

SECTION 3. Submission to electors.—The proposed amendment shall be submitted to the qualified electors at the next general election for representatives. Ballots shall be provided at the various voting precincts with the following words printed or written thereon: "Shall Section 17 of Article I of the Constitution of South Carolina, 1895, be amended so as to permit the use of the power of eminent domain by the Town of Whitmire or housing or redevelopment authorities functioning in the Town of Whitmire for the purpose of slum clearance and redevelopment work in areas within the corporate limits of the town of Whitmire which are predominantly slum or blighted, in order to acquire and clear such areas, to prepare them for re-use and for sale or other disposition to private enterprise for private purposes or to public bodies for public purposes?"

In favor of the amendment ☐

Opposed to the amendment ☐

Those voting in favor of the amendment shall deposit a ballot with a check or cross mark in the square after the words 'In favor of the amendment', and those voting against the amendment shall deposit a ballot with a check or cross mark in the square after the words 'Opposed to the amendment'."

Ratified the 21st day of April, 1966.

(R1049, H2111)

No. 1361

A Joint Resolution Proposing An Amendment To Article I, Section 17, Of The Constitution Of South Carolina, 1895, Relating To Criminal Punishment, Double Jeopardy And The Taking Of Private Property, So As To Authorize The City Of Newberry To Undertake And Carry Out Slum Clearance And Redevelopment Work And To Provide For The Use Of The Power Of Eminent Domain By The City Of Newberry Acting Through Its City Council Or Any Housing Or Redevelopment Authority.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Findings of General Assembly.—The General Assembly finds that if the City of Newberry is to be permitted to undertake urban renewal programs, it is necessary that Section 17 of Article I of the Constitution be amended in such fashion as to authorize the City of Newberry to acquire private property for such purposes, inasmuch as without such specific authorization the provisions of Section 17 of Article I relating to taking of private property, as construed by the Supreme Court of South Carolina in the case of *Edens vs. City of Columbia*, decided January 30, 1956 and reported in 228 S.C., page 563, 91 S.E. (2d) 280, do not now authorize such action. Accordingly, the General Assembly proposes to submit to the qualified electors of the State at the next general election the question of whether Section 17 of Article I of the State Constitution should be amended in such fashion as to permit the City of Newberry to acquire private property in order to undertake a program of urban renewal within the corporate limits of such city as now or hereafter constituted.

SECTION 2. Amendment to Article I, Section 17, State Constitution, proposed—City of Newberry, slum clearance and redevelopment—eminent domain.—It is proposed that Section 17 of Article I of the Constitution of South Carolina, 1895, be amended by adding at the end thereof the following: “*Provided*, that the City of Newberry may, pursuant to statutory law, now existing or hereafter enacted, and acting through its city council or through any housing or redevelopment authority, now or hereafter established, undertake and carry out slum clearance and redevelopment work in areas which are predominantly slum or blighted, the preparation of such areas for re-use, and the sale or other disposition of such areas to private enterprise for private uses or to public bodies for public uses, and to that end shall exercise the power of eminent domain as to all property, not already devoted to a public use, essential to the plan of slum clearance and redevelopment which cannot be acquired by gift or purchase.”

SECTION 3. Submission to electors.—The proposed amendment shall be submitted to the qualified electors at the next general election for representatives. Ballots shall be provided at the various voting precincts with the following words printed or written thereon: “Shall Section 17 of Article I of the Constitution of South Carolina, 1895, be amended so as to permit the use of the power of eminent domain by the City of Newberry or housing or redevelopment authorities functioning in the City of Newberry for the purpose of slum clear-

ance and redevelopment work in areas within the corporate limits of the City of Newberry which are predominantly slum or blighted, in order to acquire and clear such areas, to prepare them for re-use and for sale or other disposition to private enterprise for private purposes or to public bodies for public purposes?

In favor of the amendment ☐

Opposed to the amendment ☐

Those voting in favor of the amendment shall deposit a ballot with a check or cross mark in the square after the words 'In favor of the amendment', and those voting against the amendment shall deposit a ballot with a check or cross mark in the square after the words 'Opposed to the amendment'."

Ratified the 21st day of April, 1966.

(R1267, H2640)

No. 1362

An Act To Name South Carolina State Highway No. 591 In Newberry County "Brittain Drive".

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Name of South Carolina Highway 591—Newberry County.—South Carolina State Highway No. 591 which leads from South Carolina State Highway No. 121 into the Owens Illinois Plant near the Town of Newberry in Newberry County is hereby named "Brittain Drive" in honor of the Owens Illinois Plant Manager, D. B. Brittain.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 12th day of May, 1966.

(R1333, H2753)

No. 1363

An Act To Provide For A Referendum In Newberry County To Determine Whether Or Not The Offices Of The Magistrates Of Newberry County Shall Be Abolished At The End Of Their Present Terms And A County Court Created, And To Provide That If A Favorable Vote Results, Legislation Shall Be Introduced To Accomplish Such Purpose.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Referendum—Newberry County—on abolishing offices of magistrates and creating county court.—A referendum shall be held in Newberry County at the general election to be held in November, 1966, at which time the question of whether or not the offices of the Magistrates of Newberry County shall be abolished at the end of their present terms and a county court created, including a juvenile and domestic relations division, with a jurisdiction of two thousand dollars.

SECTION 2. Submission to electors.—Ballots shall be provided at the various voting precincts in the county with the following words printed or written thereon: "Shall the offices of the Magistrates of Newberry County be abolished at the end of their present terms and a county court created, including a juvenile and domestic relations division, with a jurisdiction of two thousand dollars?

In favor of ☐

Opposed to ☐

Those in favor shall deposit a ballot with a check or cross mark in the square after the words 'In favor of' and those opposed shall deposit a ballot with a check or cross mark in the square after the words 'Opposed to.' "

The officials responsible for canvassing the results of the election shall, within ten days, certify the results of the referendum to the Clerk of Court for Newberry County and the Secretary of State.

SECTION 3. Legislation to be introduced if vote favorable.—If a majority of those voting in the referendum vote in favor of the offices of the Magistrates of Newberry County being abolished and a county court created, the legislative delegation representing Newberry County shall introduce legislation designed to accomplish such purpose.

SECTION 4. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 13th day of June, 1966.

(R974, H2199)

No. 1364

A Joint Resolution To Create A Commission To Commemorate The One Hundredth Anniversary Of The Creation Of Oconee And Pickens Counties, And To Repeal Act No. 1321 Of 1964.

Whereas, the year 1968 will mark the centennial of the creation of Oconee and Pickens Counties when, pursuant to the provisions of the Constitution of South Carolina of 1868, Pickens District was divided into two parts, with that portion lying east of a designated line being named Pickens County and that territory lying west of the same line being designated as Oconee County; and

Whereas, during the years that Oconee and Pickens Counties have been political entities of the State of South Carolina, they have proudly made their contributions toward the improvement and advancement of the State as a whole, and all of the citizens of the counties look forward with pleasure to celebrating the approaching centennial. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Centennial Commission of Oconee and Pickens Counties, created.—In order to provide for appropriate observances and the coordination of ceremonies in observance of the centennial of Oconee and Pickens Counties in 1968, there is hereby established a commission to be known as the Centennial Commission of Oconee and Pickens Counties. The commission shall be composed of twelve members, six of whom shall be appointed by the Governor upon the recommendation of a majority of the Oconee Legislative Delegation and six of whom shall be appointed by the Governor upon the recommendation of a majority of the Pickens Legislative Delegation. The commission shall meet as soon as practicable after appointment and organize itself by electing one of its members as chairman, another as secretary and such other officers as the commission may deem appropriate. Thereafter, the commission shall meet on the call of the chairman or a majority of its members.

The commission may appoint honorary members and may establish an advisory council composed of such persons as may be especially interested in the celebration of the centennial to assist in its work.

SECTION 2. Prepare program and accept donations.—It shall be the duty of the commission to prepare an overall program to include specific plans for commemorating the one hundredth anniversary of the creation of Oconee and Pickens Counties. The commission is authorized to accept donations of money, property or personal services which may be appropriate in assisting in the performance of the duties of the commission.

SECTION 3. Conduct programs.—The commission is authorized to conduct programs at such times and in such manner as will insure that fitting observance be made which will portray the progress of the counties during the century and the understandable pride of the people in their accomplishments.

SECTION 4. Compensation and expenditures.—The members of the commission shall serve without compensation, but they shall be entitled to such mileage, subsistence and per diem as is authorized by law for commissions, committees and boards. These and other necessary expenditures of the commission shall be made by warrants signed by the chairman and paid from such funds as may be appropriated by law for this purpose.

SECTION 5. Act 1321 of 1964 repealed.—Act No. 1321 of 1964 is repealed.

SECTION 6. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 7th day of April, 1966.

(R1039, H2375)

No. 1365

An Act To Authorize The Board Of Trustees Of The School District Of Oconee County To Issue Not Exceeding One Million Six Hundred Thousand Dollars Of General Obligation Bonds Of The School District Of Oconee County, To Prescribe The Conditions Under Which The Bonds May Be Issued And The Purpose For Which Their Proceeds May Be Expended And To Make Provision For The Payment Of Such Bonds.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Findings of General Assembly.—The General Assembly finds that the School District of Oconee County issued notes

of indebtedness in the principal sum of five hundred thousand dollars on the tenth day of September, 1965, pursuant to authority contained in Act No. 682 of 1965 for the purpose of providing funds for the construction of public school facilities on the following projects: Seneca High School, Walhalla High School, East End Elementary School, Westminster High School, Oakway High School and Area Trade School, which notes are hereby declared to be valid, binding and incontestable obligations of the School District of Oconee County.

It is now deemed advisable that the outstanding notes of indebtedness issued pursuant to such act be refunded and that additional funds be provided for the completion of such school buildings and the equipping of them.

The General Assembly further finds that it is necessary to provide funds in the principal amount of not exceeding one million six hundred thousand dollars for the purpose of refunding the notes of indebtedness and completion of the various school projects as hereinabove enumerated.

SECTION 2. School district of Oconee County to complete school buildings.—The General Assembly authorizes the board of trustees of the School District of Oconee County (the board) to complete the construction and equipping of the school buildings described in Section 1 of this act; *provided*, a minimum of sixty thousand dollars shall be expended on an area trade school.

SECTION 3. Bonds may be issued.—In order to provide funds for the purposes referred to in Sections 1 and 2, the board is hereby authorized to issue and sell, either as a single issue, or from time to time, as several separate issues, general obligation bonds of the School District in the amount of not exceeding one million six hundred thousand dollars, or so much thereof as shall be at the time of issuance within the constitutional debt limitation applicable to the School District.

SECTION 4. Denomination—maturity.—All bonds issued pursuant to this act shall be in such denomination, shall mature in such annual series or instalments as the board shall provide for, except that the first maturing bonds of any issue shall mature within three years from the date as of which they shall be issued; and no bond shall mature later than twenty-five years from the date as of which it shall be issued.

SECTION 5. Redemption.—Any bond issued pursuant to this act may be issued with a provision for its redemption prior to its stated maturity at par and accrued interest, plus such redemption premium as may be prescribed by the board, but no bond shall be redeemable before maturity unless it contains a statement to that effect. In the proceedings authorizing the issuance of such bonds, provision shall be made specifying the manner of call and the notice thereof that must be given.

SECTION 6. Form.—The bonds issued pursuant to this act shall be in the form of negotiable coupon bonds, payable to bearer, but may be issued with the privilege to any holder of having them registered as to principal on the books of the Treasurer of Oconee County, upon such condition as the board may prescribe. Except when so registered, all bonds issued pursuant to this act shall have all attributes of negotiable instruments, under the law merchant and the negotiable instruments law.

SECTION 7. Where payable.—The bonds issued pursuant to this act shall be made payable at such place, within or without the State, as the board shall provide.

SECTION 8. Interest.—Bonds issued pursuant to this act shall bear interest at a rate determined by the board.

SECTION 9. Execution.—The bonds, and the coupons to be thereunto attached, shall be executed in such manner as the board shall by resolution provide.

SECTION 10. Sale.—Bonds issued pursuant to this act shall be sold at a price of not less than par and accrued interest to the date of their respective deliveries. They shall be sold after public advertisement of their sale in a newspaper of general circulation in South Carolina. Such published notice shall appear not less than ten days prior to the occasion set for opening bids.

SECTION 11. Payment.—For the payment of the principal and interest of all bonds issued pursuant to this act, as they respectively mature, and for the creation of such sinking fund as may be necessary therefor, the full faith, credit and taxing power of the School District shall be irrevocably pledged, and there shall be levied annually by the Auditor of Oconee County, and collected by the Treasurer of Oconee County, in the same manner as county taxes are levied and collected, a tax without limit on all taxable property in the School

District, sufficient to pay the principal and interest of such bonds as they respectively mature and to create such sinking fund as may be necessary therefor, such unlimited levy shall be made without the necessity of any referendum thereon regardless of the contrary provisions of any other act including Act No. 344 of 1963.

SECTION 12. Exempt from taxes.—The principal and interest of bonds issued pursuant to this act shall have the tax exempt status prescribed by Section 65-4.1 of the 1962 Code.

SECTION 13. Proceeds.—The proceeds derived from the sale of any bonds issued pursuant to this act shall be paid to the Treasurer of Oconee County to be deposited in a bond account fund for the School District, and shall be expended and made use of by the board as follows:

(a) Any accrued interest shall be applied to the payment of the first instalment of interest to become due on such bonds.

(b) Any premium shall be applied to the payment of the first instalment of principal of such bonds.

(c) The remaining proceeds shall be used for the following purposes:

(1) To defray the costs of issuing the bonds authorized by this act; and

(2) To provide the school facilities for the School District set forth in Section 1 hereof; and

(3) To pay and retire all indebtedness of the School District by way of principal and interest on the notes of September 10, 1965, issued by the School District.

(d) If any balance remain, the same shall be held by the Treasurer of Oconee County in a special fund and used to effect the retirement of bonds authorized hereby.

SECTION 14. Powers to be additional.—The powers and authorizations hereby conferred upon the board shall be in addition to all other powers and authorizations previously vested in the board and may be availed of pursuant to action taken at any regular or special meeting of the board.

SECTION 15. No other action necessary.—No action other than that prescribed in this act need be taken to effect the issuance of the bonds herein authorized.

SECTION 16. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 22nd day of April, 1966.

(R1082, S719)

No. 1366

An Act To Repeal Act No. 482 Of 1959, Which Created A Hospital Building Committee For Oconee County.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Act 482 of 1959 repealed.—Act No. 482 of 1959, which created a hospital building committee for Oconee County, is hereby repealed.

SECTION 2. Time effective.—This act shall take effect July 1, 1966.

Approved the 29th day of April, 1966.

(R1385, H2754)

No. 1367

An Act To Authorize Oconee County To Transfer And Relinquish Its Reversionary Interest In Certain Property To The United States Government, Forest Service Division.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Oconee County may relinquish reversionary interest in certain property.—Oconee County is hereby authorized to transfer and relinquish its reversionary interest in any portion of the following described properties to the United States Government, Forest Service Division upon which improvements are made by the Forest Service Division :

All that certain piece, parcel or tract of land, situate, lying and being in the County of Oconee, of the State of South Carolina, on both sides of the East Fork of Chattooga River and Indian Camp Creek, covering and including the confluence of Indian Camp Creek and the said East Fork of Chattooga River, being entirely covered by grant to Peter Keys of 103 acres,

more or less, of date February 4, 1828 and surveyed for him October 18, 1817, but found to contain 94 acres, more or less, by survey made by Government Surveyor in August, 1934, and having the following courses and distances, metes and bounds, to wit:

Beginning at corner 1, a stone in mound of stones with old witnesses, on top of ridge. A 15" red oak bears S. 3° E. 0.29 chain distant. An 18" spanish oak bears S. 85° W. 0.40 chain distant.

Thence four (4) lines with The Whitewater River Lumber Company parcel. N. 82°25' E. 26.52 chains to corner 2, a stone in mound of stone with old witnesses. An 8" white oak bears S. 55°E. 0.14 chain distant. A 5" white oak bears N. 41°E. 0.14 chain distant; S. 32°22' E. 29.12 chains to corner 3, a stone in a mound of stones with old witnesses. A 15" spanish oak bears N. 75°W. 0.15 chain distant. A 15" white oak bears S. 38° E.0.29 chain distant; S. 81°24' W. 43.69 chains to corner 4, a stone in mound of stones with old witnesses. A 6" chestnut oak bears S. 41°E. 0.30 chain distant. A 6" chestnut oak bears S. 74° E. 0.22 chain distant; N.3°04' E. 27.58 chains to the place of beginning, containing 94 acres, be the same more or less.

For more particular description see copy of said plat of record in the Clerk's office of Oconee County, S. C., in Plat Book D, page 211. Also:

All that certain piece, parcel or tract of land, situate, lying and being on the waters of Tamassee Creek, tributary of Little River, and having the following courses and distances, metes and bounds, to wit:

Beginning at corner 1, which is corner 7 of the Miss L. G. Kuhtman tract (307f), a stone in mound of stones, common to Whitewater River Lumber Company parcel, chiseled "F.S.-307f-7".

Thence four (4) lines with Whitewater River Lumber Company parcel, N. 27°31' W. 8.73 chains to corner 2, a 30" pine scribed F.S.-2W, on west bank of branch. A 12" black gum bears N.22°E. 0.14 chain distant. S. 58°29' W. 10.01 chains to corner 3, a point in Forest Service Road. An 8" hickory bears N. 39° E. 0.27 chain distant. A 10" white oak bears S. 72° E. 0.37 chain distant. S. 4°11' E. 5.50 chains along road to corner 4, a point. No corner set. S. 73°47' E. 8.69 chains to corner 5, a stone in a mound of stones in line of tract (307f). A 6" poplar

bears N. 69° E. 0.38 chain distant. A 16" poplar bears N. 12°W. 0.43 chain distant.

Thence N. 35°02' E. 6.61 chains along line of tract (307f), to the place of beginning, containing 10 acres, be the same more or less.

For more particular description see copy of said plat of survey of record in the office of the Clerk of Court of Oconee County, S. C., in Plat Book D., page 212.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 13th day of June, 1966.

(R1436, H2325)

No. 1368

An Act To Provide For The Levy Of Taxes And Make Appropriations In Oconee County For School And County Purposes; To Provide For The Borrowing Of Money In Anticipation Of The Collection Of Taxes; And To Make Appropriations And Direct The Expenditure Thereof For The Fiscal Year Beginning July 1, 1966; To Provide A Fee For Uncontested Divorces; To Increase The Terms Of The County Board Of Commissioners; To Authorize The Sheriff To Appoint Deputies And To Repeal Section 53-114, Code Of Laws Of South Carolina, 1962.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. The Auditor of Oconee County is hereby authorized and directed to levy, with the approval of a majority of the legislative delegation, and the treasurer to collect, a sufficient millage on taxable property of Oconee County to meet ordinary county purposes herein appropriated for the year beginning July 1, 1966, and ending June 30, 1967, and a sufficient levy for the payment of any outstanding bonded indebtedness.

SECTION 2. From the General Fund of the county and the revenue derived under the provisions of Section 1 of this act, the following appropriations are hereby made, to be expended in conformity with the directions herein specified:

Item 1.

A-1. Chain gang \$ 24,000.00

- A-2. Roads, bridges, rock crusher, labor and replacement of parts, trucks and machinery 138,000.00

The above amount shall come from any surplus gasoline tax and the General Fund of the County.

- A-3. New Equipment 11,600.00

- B. Paved roads and resurfacing old paved roads ... 90,000.00

Provided, each and every road paved shall be set up by project number, and it shall be the duty of the Supervisor to see that proper records are kept on each project, showing expenditures and to what purposes.

Item 2.

- A. Operation and maintenance of county farm to include salary of steward and matron and purchases that may become necessary 11,000.00

Provided, when other facilities become available, this account shall be closed.

- B. Feed Barn 1,500.00

The appropriation made in Item 1 and Item 2 shall be expended as may be necessary by the supervisor and county board of commissioners to the purposes above-mentioned in an economical and businesslike manner, and to that end the following procedure shall be observed:

a. The supervisor and members of the board of commissioners are expressly charged with the duty of limiting the expenditures to one-fourth of the annual appropriation in any three-month period, with the exception of Item 1-B, Paved roads, which shall be limited to a six months' period, and any obligation in excess thereof shall be null and void and shall not be an obligation of the county. Failure to comply with this provision shall constitute negligence of office.

b. All salaries and wages of employees which come under the jurisdiction of the county supervisor, and the salaries and wages which come under the jurisdiction of the county board of commissioners, shall be fixed before any such employment may be effective. The supervision of all employees covered by Item 1 and Item 2 shall be the sole responsibility of the supervisor.

c. All purchases of supplies, materials, lumber, gas and oils, and machinery shall be made by the supervisor and board of commissioners after public advertisement for at least ten days or advertise-

ment in two issues of a newspaper published in Oconee County, and purchases shall be made on a basis of economies effected and distribution of contract among suppliers.

d. Food purchases for Item 1 and Item 2 shall be purchased from wholesale companies in Oconee County where possible.

e. Emergency purchases not to exceed eight hundred dollars may be made by the county supervisor without bids and advertisement. *Provided*, that in such cases where machinery or equipment is in need of repair and idle that the same may be repaired by the supervisor without bids.

Item 3. Salaries:

A. Clerk of Court	6,246.00
1st Clerk	4,000.00
2nd Clerk	4,000.00
3rd Clerk	3,090.00
Office supplies	6,000.00
B. Treasurer	1,669.00
Clerk	3,750.00
Extra clerical hire	1,470.00
Office supplies	2,280.00
C. Auditor	1,669.00
1st Clerk	3,310.00
2nd Clerk	3,090.00
Office supplies	800.00
D. Supervisor	6,571.00
Clerk	4,000.00
Office supplies	1,000.00
All supplies purchased by State supported offices are to be tendered to the State Comptroller for reimbursement.	
E. Judge of Probate	5,246.00
Clerk	3,640.00
Office supplies	1,800.00
Travel Expense	360.00
F. Comptroller	5,796.00
Clerk	4,000.00
Office supplies	400.00
G. County Physician	900.00
H. County Attorney	900.00
<i>Provided</i> , that additional compensation shall be authorized by the supervisor and county board	

of commissioners in litigation, to be paid from the contingent fund.	
I. Coroner	1,600.00
Travel	600.00
Office supplies	50.00
J. Custodian of courthouse and county offices	3,750.00
K. Members Board of Commissioners, salary, five at \$600.00 each	3,000.00
Travel, five at \$600.00 each	3,000.00
<i>Provided</i> , travel is done in own vehicles at own expense and not in county vehicles.	
L. Tax Collector	5,796.00
Travel	360.00
Clerk	3,640.00
Office supplies	600.00
M. Law Enforcement:	
Sheriff's salary	6,571.00
Chief Deputy Sheriff salary	5,000.00
9 Deputies, at \$4,700.00 each	42,300.00
<i>Provided</i> , one deputy shall be from the Utica area and shall have it as his primary area of patrol.	
Uniforms, Sheriff and Deputies, 10 @ \$200.00 each	2,000.00
<i>Provided</i> , that uniforms shall be purchased by the Sheriff's Department and shall be signed for and remain the property of Oconee County.	
<i>Provided</i> , further, that within one year after the employment of any Deputy Sheriff, he must attend and graduate from the Law Enforcement School for Officers.	
Gasoline	6,500.00
<i>Provided</i> , all fees accruing to the Sheriff and Deputies shall be returned to the General Fund of the county.	
Clerk	3,090.00
Maintenance	6,000.00
Repair of automobiles for Sheriff and Deputies.	
Jailors	4,850.00
Salaries to be set by Sheriff.	
Industrial Constables	2,600.00

Industrial Constables, travel	700.00
Such constables shall work in cooperation with the Sheriff's office.	
Office supplies	500.00
N. Magistrates:	
Seneca	515.00
Expenses and supplies	900.00
Walhalla	515.00
Expenses and supplies	900.00
Westminster	515.00
Expenses and supplies	900.00
Salem	300.00
Expenses and supplies	520.00
Oakway	300.00
Expenses and supplies	520.00
All fees must be turned over to General Fund of the County.	
O. Miscellaneous:	
Home Demonstration Stenographer, supplement	1,680.00
Farm Agent Stenographer, supplement	1,200.00
Supplement to clerical assistant to Probation Officer	315.00
Solicitor	1,200.00
Solicitor's supplies	150.00
Item 4. Boards:	
A. Board of Tax Appeals	300.00
Board of Assessors to be paid from the General Contingent Fund with the approval of the delegation.	
B. Sinking Fund Commission, 3 members @ \$50-.00 each	150.00
Item 5. Contributions:	
A. Supplies and telephone, Home Demonstration Agent	200.00
B. Supplies, Farm Agent	100.00
C. Boys' 4-H Club work	150.00
D. Girls' 4-H Club work	150.00
E. Future Farmers' Chapter	100.00
F. Junior Homemakers' Chapter	100.00
G. Maintenance, 4-H Club Center	300.00

H.	Travel for 2 fire wardens @ \$550.00 each	1,100.00
I.	Vocational Trade and Industrial Club work	150.00
Item 6.	Oconee County Library Commission	28,143.00
Item 7.	Juvenile and Domestic Relations Court:	
	Judge, salary	7,500.00
	Part-time clerk	1,890.00
	Clerical help	3,291.63
	Supplies	500.00
	To be expended on the approval of the legis- lative delegation.	
Item 8.	Court Expenses	13,500.00
A.	<i>Provided</i> , petit jurors and grand jurors shall be paid nine dollars per day, and witnesses one dollar per day in actual attendance.	
B.	Magistrate and coroner jurors shall be paid two dollars per day.	
Item 9.	Operating of jail, including feeding prisoners . . (Upon presentation of itemized and notarized claims, to include kitchen supervisor.) Purchases, other than food, to be made by su- pervisor.	6,500.00
Item 10.	Public Welfare:	
A.	Emergency relief <i>Provided</i> , that no more than fifty per cent shall be expended in any one quarter. <i>Provided</i> , fur- ther, that no more than fifty per cent shall be expended in six months.	5,000.00
B.	Board of Public Welfare, 3 members @ \$60.00 each	180.00
C.	Travel for 2 Child Welfare Workers	1,800.00
Item 11.	Lunacy and Inquest	1,320.00
Item 12.	Public buildings and equipment, upkeep and maintenance (all purchases to be made by the supervisor)	11,500.00
Item 13.	Books, printing, postage, etc., as specified in Item 3. <i>Provided</i> , that no office equipment shall be pur- chased with these funds.	
Item 14.	Bond premiums and insurance	6,500.00

Item 15.	Telephone account	3,500.00
	<i>Provided</i> , a monthly itemized statement shall be rendered showing the necessity for each long distance toll charge.	
Item 16.	County Health Unit	18,500.00
Item 17.	County Planning Commission	20,000.00
Item 18.	County Service Officer, county's part	4,986.00
Item 19.	County Hospital	5,000.00
Item 20.	Contingent Fund	10,000.00
	<i>Provided</i> , that this fund shall be expended only upon the written approval of a majority of the legislative delegation.	
Item 21.	General Contingent	7,500.00
	<i>Provided</i> , that rentals, magistrates' telephones and miscellaneous obligations, including an annual audit of books and records of Oconee County shall be paid therefrom.	
Item 22.	National Defense:	
	Seneca Unit	1,500.00
	Clemson Unit	800.00
Item 23.	Retirement and Social Security, county's part . .	30,000.00
Item 24.	Law Enforcement Travel—out of county travel	1,250.00
	The Sheriff or his Deputies, when on necessary official duty beyond the limits of the county, shall be paid actual expenses, not to exceed ten dollars per day. Before being paid, he shall present itemized and notarized vouchers for mileage and receipted bills for expenses.	
Item 25.	Artificial Insemination Program	2,000.00
	<i>Provided</i> , this fund shall be disbursed upon approval of the Board of Directors of the Oconee County Artificial Insemination Organization.	
Item 26.	Soil and Water Conservation	2,250.00
	<i>Provided</i> , that such funds shall be used only in the maintenance and operation of watershed projects.	
Item 27.	Civil Defense	3,375.00
	To be expended upon the approval of the legislative delegation.	

Item 28.	Rural Fire Control Commission	2,000.00
	To be expended upon the approval of the legislative delegation.	
Item 29.	Tri-County Mental Health Commission	7,500.00
	Tri-County Historical Commission	25,000.00
	<i>Provided</i> , that Pickens County shall appropriate a like sum and that Anderson County shall appropriate at least \$5,000.00.	
Item 30.	Tri-County Technical Education Center	7,160.00
Item 31.	Supplement to Community School Program ..	5,000.00

TOTAL	\$712,769.63
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Estimated Revenue other than Taxes:

Gasoline Tax	145,000.00
Alcoholic Liquor Tax	40,000.00
Beer and Wine Tax	11,000.00
Bank Tax	3,000.00
Insurance License Fees	20,000.00
Income Tax	60,000.00
National Forest Fund	30,000.00
Magistrates' Fines	32,000.00
Judge of Probate, fees	4,000.00
Clerk of Court	35,000.00
Other fees and forfeitures	5,000.00

TOTAL	\$385,000.00
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Amount to be raised by taxes	\$327,796.63
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SECTION 3. The board of commissioners shall include the supervisor wherever the term board of commissioners is used in the appropriations act.

SECTION 4. A tax of forty-seven mills is hereby laid upon all taxable property in Oconee County for general school purposes, and the Auditor of Oconee County is hereby authorized and directed to levy the tax laid, and the treasurer is required to collect the revenues arising therefrom, and the revenues shall be used by the Oconee County Board of Trustees of the School District of Oconee County for administration, the supplementation of teachers' salaries, maintenance and operation of all schools located in the School Dis-

trict of Oconee County. *Provided, that ten thousand dollars shall be used for the community school program.*

SECTION 5. The Auditor of Oconee County is hereby directed to prepare a tax return for each automobile in Oconee County as reported by the South Carolina Highway Department from vehicle registration. The Auditor, Treasurer and Tax Collector of Oconee County are further enjoined to adopt such procedures and methods as shall assist the taxpayers and South Carolina Highway Department in complying with the acts of the General Assembly providing for the payment of property tax on motor vehicles before issuance of registration and license by the South Carolina Highway Department.

SECTION 6. The tax collector shall assist the auditor wherever possible in returning any property for taxation not otherwise returned or where individuals or firms have failed to make returns.

SECTION 7. No fund shall be transferred from one account to another without the written consent of the Oconee County Legislative Delegation. The legislative delegation is hereby empowered to transfer from the general fund or any fund of the county, and supplement any appropriation herein made, and the treasurer, the board of commissioners, and comptroller of the county shall honor such transfers and comply with the terms thereof.

SECTION 8. The board of commissioners shall see that proper records are kept of the chain gang, showing all expenditures and for what purposes, also the number of convicts of the chain gang each day, number received and dismissed, with their names, also kind of work being done by convicts. It shall be the duty of the board of commissioners to see that proper records are kept of all the operations of the county farm, showing all expenditures and receipts, total number of acres being farmed and the market value of all commodities produced. The board of commissioners is hereby requested to inspect all county buildings, including county home, jail and chain gang each month to see that they are kept in a clean and sanitary condition. The board of commissioners shall inspect all highway construction and see that all work is being done properly. It shall be the duty of the board of commissioners to keep a complete record (pertaining to Item 1, A-2) showing allocations to each incorporated town, expenditures, and to what purpose.

SECTION 9. The supervisor shall furnish to the board of commissioners an accurate inventory of all supplies and materials and parts. Such inventory shall be made on the first day of each month. The board of commissioners shall use such inventory as a guide for purchasing.

SECTION 10. All past transfers of funds by order of the members of the previous and present legislative delegation are hereby validated and confirmed.

SECTION 11. The Treasurer and Board of Commissioners of Oconee County are hereby authorized and empowered, if need be, to borrow in the name of the county an amount not to exceed fifty per cent of the appropriation herein made, and in anticipation of the collection of taxes to meet the operating expenses of the county for the current fiscal year July 1, 1966, to June 30, 1967, and to execute obligations in the name of the county for the sum so borrowed, which shall bear the lowest rate of interest possible. The taxes levied to meet the appropriations of this act shall be pledged to secure payment of the sum so borrowed, with interest thereon, and such obligation shall be executed by the county treasurer and the board of commissioners. Each bank in Oconee County shall be allowed to submit a bid for the total or any portion of the amounts herein authorized to be borrowed, and the officers are empowered to reject any and all bids made therefor.

SECTION 12. The treasurer, upon written request of the county board of education, is hereby empowered and authorized, if need be, to borrow in the name of the schools an amount not to exceed fifty per cent of the appropriation herein made and in anticipation of the collection of taxes to meet the operating expenses of the schools for the current fiscal year July 1, 1966, to June 30, 1967, and to execute obligations in the name of the schools for the sum so borrowed, which shall bear the lowest rate of interest possible. The tax levied to meet the appropriations of this act shall be pledged to secure payment of the sum so borrowed, with interest thereon, and such obligations shall be executed by the county treasurer and county board of education. Each bank in Oconee County shall be allowed to submit a bid for the total or any portion of the amounts herein authorized to be borrowed, and the officers are empowered to reject any or all bids made therefor.

SECTION 13. The treasurer, upon written request of the county board of education, is hereby authorized and empowered, if need be, to transfer to school transportation account and to school teacher salary account, from the general fund of the county, not to exceed fifty per cent of the appropriation herein made, in anticipation of the collection of taxes to meet the operating expenses of the schools. Upon the collection of the taxes levied for the operation of schools, the sums so transferred shall be refunded to the general fund of the county.

SECTION 14. The treasurer, upon written request of the county board of commissioners, is hereby authorized and empowered, if need be, to transfer to the general fund of the schools, funds, not to exceed fifty per cent of the appropriation herein made in the anticipation of the collection of taxes to meet the operating expenses of the county. Upon collection of the taxes levied for ordinary county purposes, the sums so transferred shall be refunded to the school funds of the county.

SECTION 15. The county superintendent of education, or officer designated by the board of trustees, is authorized to approve claims for teachers' salaries and transportation, and the Treasurer of Oconee County is authorized to pay same from any school fund in anticipation of the receipts of monthly State aid and transportation; *provided*, such claims do not exceed fifty per cent of anticipated monthly State aid and transportation; and *provided*, further, such payments do not exceed fifty per cent of the total amount of school funds on deposit in the banks of Oconee County.

SECTION 16. Before purchase or contracting for the purchase of any equipment, materials, supplies, goods, wares, merchandise, services or anything whatsoever needed and used for county purposes, such department head or heads, not to include the superintendent of education, shall make requisition by order or voucher to the county comptroller's office whereupon it must be certified as to the availability of funds before any purchase is made. Petty cash funds are hereby authorized if such be necessary to carry out this section.

SECTION 17. When such purchasing or placing of orders is made, the equipment, materials, goods, wares, merchandise or services needed shall be purchased from firms or individuals within this State whenever such firms or individuals are reliable and offer equipment,

materials, goods, wares, merchandise or services of equal quality and specifications with like goods from outside the State and at a price equal to or less than the price submitted by such nonresident bidders.

SECTION 18. All claims for supplies and services furnished to the county during any calendar month shall be paid on the sixth day of each month. If this date should fall on a holiday, claims will be paid the following day. Should the sixth day of the month fall on Saturday or Sunday, claims will be paid the following Monday. All claims against the county must be passed on by the comptroller as to the availability of the funds for the payment of same. The county comptroller and the board of commissioners shall at all times maintain in their respective offices a list of all claims paid during the preceding month, showing the payee and the amount, and the records shall be at all times subject to public inspection.

SECTION 19. The appropriation herein made shall not be exceeded and any officer incurring indebtedness on the part of the county in excess of the appropriation herein made shall be liable upon his official bond therefor. Any claims presented to the county for payment and remaining unpaid after the monthly meetings of the board of commissioners shall be listed by the clerk and reported to the treasurer and comptroller within ten days. If no claims remain unpaid, the clerk shall so report.

SECTION 20. No employee of the county shall sell any services, or materials, or hold any office that shall conflict with the hours for which they receive pay from the county or in the performance of their official duties, except that a department or agency may at its own discretion grant a leave of absence for the period of such conflict. *Provided*, in case of such a leave of absence the department granting the leave of absence shall employ a qualified substitute for the duration of the leave of absence. All county offices shall be open during lunch hour except in an emergency. As to holidays, the county offices may close on days legally observed by the State.

SECTION 21. All recipients of county funds who are not a part of the county government, namely: Farm Agent; Home Agent; Boys' 4-H Club; Girls' 4-H Club; Future Farmers; Junior Homemaker Club; Oconee Hospital; Planning Board; Artificial Insemination; National Defense, Clemson and Seneca Units; and Soil and Water

Conservation Board shall furnish an itemized statement of the money spent from the appropriation to that organization. This statement shall be filed with the county board of commissioners and delegation no later than thirty days following the end of the fiscal year.

SECTION 22. Salaries for ordinary clerical employment shall be based on the following schedule:

Beginning or probationary period	\$ 2,870.00
After six months' service	3,090.00
After two years' service	3,310.00
After five years' service	3,530.00
After eight years' service	3,640.00
After ten years' service	3,750.00
After twelve years' service	4,000.00

The term service shall mean continuous employment except upon official leave of absence granted by the department head.

SECTION 23. The Clerk of the Board of Commissioners of Election of Oconee County shall receive an annual salary of three hundred dollars and the compensation for box managers shall be ten dollars per day while actually employed.

PART II

Permanent Provisions

Notwithstanding any other provisions of law, in the Juvenile-Domestic Relations Court of Oconee County the fee for uncontested divorces shall be ten dollars, five dollars of which shall be paid upon the filing of the divorce proceedings and the remaining five dollars to be paid on the day of the hearing. In contested divorces the fee shall be twenty-five dollars.

Notwithstanding the provisions of Section 14-3016, Code of Laws of South Carolina, 1962, commencing January 1, 1969, the terms of the County Commissioners of Oconee County shall be for four years and until their successors are elected and qualify.

The Sheriff of Oconee County may appoint such deputies as may be needed within such funds as may be appropriated for this purpose.

Section 53-114, Code of Laws of South Carolina, 1962, which exempts Oconee County from certain provisions of law, relating to deputy sheriffs for industrial communities, is repealed.

End of Part II

This act shall take effect upon approval by the Governor.

Approved the 13th day of June 1966.

(R927, H2260).

No. 1369

An Act To Authorize The Trustees Of Holly Hill School District No. 3, Orangeburg County, To Borrow Not Exceeding Thirty Thousand Dollars, Or The Constitutional Limit, For The Purpose Of Defraying The Cost Of Constructing Six Additional Classrooms At Roberts Elementary School, And To Provide For The Payment Of The Indebtedness.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Holly Hill School District No. 3, Orangeburg County, may borrow money—note—interest—maturity.—The Trustees of Holly Hill School District No. 3, of Orangeburg County, are hereby authorized to borrow a sum of money not exceeding thirty thousand dollars, or the constitutional debt limitation applicable to the district, for the purpose of constructing six additional classrooms at Roberts Elementary School. The amount borrowed shall be evidenced by a note executed by the members of the board of trustees of the school district and shall bear interest at a rate not exceeding four per cent per annum, payable semi-annually. One-fifth of the principal of the loan shall mature four years from the date of the note and one-fifth in each of the succeeding years thereafter until the entire obligation is fully paid.

SECTION 2. Payment.—For the payment of the principal and interest of the note, the full faith, credit and resources of the school district are irrevocably pledged and there shall be levied annually by the Auditor of Orangeburg County and collected by the Treasurer of Orangeburg County in the same manner as county taxes are levied and collected a tax without limit on all taxable property in the school district sufficient to pay the principal and interest of the note as they respectively come due and to create such reserve fund as may be necessary therefor.

SECTION 3. Exempt from taxes.—The note issued under this act shall be exempt from all State, county, municipal, school district, and other taxes or assessments, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise.

SECTION 4. Proceeds.—The proceeds derived from the note shall be deposited with the Treasurer of Orangeburg County in a special fund to the credit of Holly Hill School District No. 3, and shall be applied solely to the purposes for which the note was issued.

SECTION 5. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 29th day of March, 1966.

(R1070, H2484)

No. 1370

An Act To Amend Act 1331 Of 1964, Relating To The Creation Of Watershed Conservation Districts In Orangeburg County, So As To Change The Requirements For Eligibility To Vote In A District.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 7, Act 1331 of 1964 amended—eligibility to vote in watershed conservation districts, Orangeburg County.—

Section 7 of Act 1331 of 1964 is amended on lines ten, eleven, twelve, thirteen and fourteen by striking “No one except owners of lands lying within the boundaries of the proposed watershed conservation district, as determined by the supervisors of the soil conservation district, shall be eligible to vote in the referendum.” and inserting “Any person who is qualified to vote under the general law of this State and who resides in the district shall be eligible to vote.” and by striking the word “voters” on line fourteen and inserting “electors”. The section when amended shall read as follows:

“Section 7. The question to be voted on shall be submitted by ballots upon which appear the words:

‘For creation of Watershed Conservation District’

‘Against creation of Watershed Conservation District’

A square shall follow each proposition. The ballot shall contain a direction to insert an ‘X’ mark in the square following one or the other of the propositions as the voter may favor or oppose creation of the watershed conservation district. The ballot shall set forth the boundaries of the proposed watershed conservation district as determined by the supervisors of the soil conservation district. Any person who is qualified to vote under the general law of this State and who resides in the district shall be eligible to vote. Qualified electors may vote by absentee ballot in the referendum under such rules and regulations as may be prescribed by the supervisors. No informalities in the conduct of the referendum or in any matters re-

lating thereto shall invalidate the referendum or the result thereof if notice of the referendum shall have been given substantially as herein provided and the referendum shall have been fairly conducted."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 22nd day of April, 1966.

(R1249, H2644)

No. 1371

An Act To Authorize The Trustees Of Orangeburg County School District No. 5 To Renegotiate Certain Notes Issued Pursuant To Act 620 Of 1963.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Orangeburg County School District 5 may renegotiate notes.—The note issued by the Board of Trustees of Orangeburg County School District No. 5 pursuant to Act 620 of 1963 originally maturing in 1967 may be renegotiated by the board so as to mature no later than the anniversary date of the note in the year 1971.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 14th day of May, 1966.

(R1322, H2660)

No. 1372

An Act To Provide For The Operation Of Orangeburg County And The Welfare Of Its People During The Period From July 1, 1966, To June 30, 1967; To Direct County Activities; And To Levy Taxes For School Purposes And To Regulate Expenditures Of School And County Funds During The Period.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. For all county purposes and for the operation of Orangeburg County during the period beginning July 1, 1966, and ending June 30, 1967, the amounts stated herein are hereby appropriated; and there is hereby levied for the fiscal year 1966-67

eight mills on all property in the county which, with other revenues accruing to the ordinary county fund, shall be used to pay amounts appropriated as follows:

Roads and Bridges:

1. Maintenance of chain gang, purchase material, equipment and expense of maintenance of roads, bridges, public works and operation of pipe plant\$225,200.00

Total, Roads and Bridges\$225,200.00

County Highway Commission:

- 4-A. Salary, members of Highway Commission\$ 6,468.00
- 4-B. Salary, clerk of Highway Commission 4,657.00
- 4-C. Salary, County Attorney 1,411.00

Provided, that the salary shall cover all services rendered the county except in actions in tort against the county.

Provided, further, that no other attorney shall be employed except with the approval of the county legislative delegation.

- 4-D. Salary, County Director 9,600.00
- 4-E. Extra clerical help, Highway Commission 2,520.00

Total, County Highway Commission\$ 24,656.00

County Treasurer:

- 10-A. County's portion, salary, County Treasurer\$ 3,823.00
- Provided*, that the county shall pay so much as will make his salary from county and State total \$8,400.00.

- 10-B. Salary, Deputy, County Treasurer 5,824.00
- 10-C. Clerical help, Treasurer's office 3,600.00
- 10-D. Extra help (to be expended upon approval of the majority of the legislative delegation) 1,050.00

Total, County Treasurer's Office\$ 14,297.00

County Auditor:

- 15-A. County's portion, salary, County Auditor\$ 3,823.00
- Provided*, that the county shall pay so much as will make his salary from the county and State total \$8,400.00.

15-B. Salary, Deputy Auditor	6,468.00
15-C. Clerical help, Auditor's office	7,056.00
15-E. Auditor's equalization fund	1,500.00
15-F. Extra assistance, auditors office (to be expended upon approval of the majority of the legislative delegation)	800.00

Total, County Auditor\$ 19,647.00

Clerk of Court:

25-A. Salary, Clerk of Court	\$ 8,400.00
25-B. Salary, Deputy Clerk of Court	6,468.00
25-C. Salary, Assistant Recording Clerk, Clerk of Court	3,000.00
25-D. Recording clerk in office of Clerk of Court	3,881.00
25-E. Assistant Recording Clerk	3,000.00

Total, Clerk of Court\$ 24,749.00

Education Department:

30-A. Superintendent of Education, office expense ...	\$ 700.00
30-B. Salary, clerks to Superintendent of Education ..	6,581.00
30-C. Supplement County Lunch Room Supervisor ..	955.00
30-D. Superintendent of Education, county's portion of salary	3,218.00
<i>Provided, that only so much shall be paid as to make a total salary from the county and State of \$8,400.00.</i>	
30-E. Travel, Superintendent of Education	700.00
30-F. Per diem and travel, members County Board of Education	4,000.00
30-G. Travel, Attendance Teacher	500.00
30-H. Secretary to County Lunch Room Supervisor ..	3,000.00
32-A. Eye treatment and glasses, needy school chil- dren, to be spent under supervision of Attendance Teacher	150.00

Total, Education Department\$ 19,804.00

Library Department:

34-A. Salary, Librarian	\$ 4,936.00
34-B. Salary, Assistant Librarian	3,208.00
34-C. Salary, Library Assistant	2,742.00

34-D. Salary, Bookmobile Librarian	2,727.00
34-E. Salary, Bookmobile Assistant	2,727.00
34-F. Salary, Desk Assistants	2,909.00
35-H. Salary, Librarian (Branch Library)	2,742.00
35-I. Salary, Assistant Librarian (Branch Library) .	1,850.00
35-J. Salary, Bookmobile Driver (Branch Library) .	1,452.00
35-K. Salary, Custodian Holly Hill Library	479.00
35-L. Salary, Custodian Elloree Library	479.00
35-M. Books and periodicals	3,500.00
35-N. Supplies and Binding	1,000.00
35-O. Travel, Library Commission	250.00
35-P. Bookmobile Operation	700.00
35-Q. Miscellaneous	2,700.00
35-S. Travel, Librarian	300.00

Total, Library Department\$ 34,701.00

Provided, that all funds appropriated herein for items 30-A through 35-S are appropriated directly to the Orangeburg County Board of Education to be expended and disbursed by the board in accordance with the provisions of this act.

Provided, further, that any funds donated by the South Carolina Library Board shall be used for the purchase of books and any funds donated by the city of Orangeburg, or otherwise received, shall be used for miscellaneous expenses. *Provided*, further, that appropriation for miscellaneous expenses provided under 35-Q may be used for telephone, telegraph, furniture and equipment, insurance, water and lights, heating, repairs, post office box rent and association meetings and dues. *Provided*, further, that the county director shall do the purchasing for the library and branch library except books, literature and minor items for the use in the maintenance thereof. *Provided*, further, that an itemized account of all receipts and disbursements of funds received other than from Orangeburg County shall be filed quarterly with the Orangeburg County Board of Education. *Provided*, further, that the sums set out hereinabove may be transferred by

the County Board of Education to other designated items upon the written approval of the majority of the Orangeburg County Legislative Delegation.

Tax Collector :

39-A. Salary, Tax Collector	\$ 7,112.00
39-B. Clerks and bookkeepers to Tax Collector	7,056.00
39-C. Special Assistance Tax Collector's office, to be expended upon approval of the majority of the Legislative Delegation	500.00
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Total, Tax Collector's Office	\$ 14,668.00

Law Enforcement :

40-A. Salary, Sheriff	\$ 8,400.00
40-B. Expense in and outside the county	2,400.00
40-C. Clerk	3,528.00
43-A. Salary, Jailor	3,291.00
43.-B. Dieting prisoners	12,000.00
<i>Provided, that the Sheriff shall be allowed one dollar per day for dieting each prisoner; provided, however, that the day of admittance shall be excluded, and the day of discharge included in computing the number of prisoner days.</i>	
43-C. Jail equipment, repairs, heating and miscellaneous expense	7,000.00
46-B. Salary, eleven deputies @ \$4,430.00	48,730.00
46-C. Salary, Chief Deputy Sheriff	5,008.00
46-D. Travel, twelve Deputy Sheriffs' @ \$2,760.00 ...	33,120.00
<i>Provided, that the County Treasurer is authorized to pay from 43-B claims of outside deputy sheriffs for feeding prisoners kept in their custody between the time of their arrests and transfer to jail or discharge. The per diem allowed the Sheriff shall be followed and each claim shall be itemized and approved by the magistrate in whose jurisdiction the arrest was made.</i>	
46-E. Purchase of uniforms and law enforcement equipment	3,400.00
46-F. Radio maintenance	3,600.00
46-G. Radio Operator	1,870.00

46-H. Miscellaneous expense, Sheriff's office	600.00
46-I. Substitute Jailor	600.00
46-J. Walkie-Talkie Radio	750.00

Total, Law Enforcement\$134,297.00

Judicial Department:

50-A. Court expense	\$ 12,000.00
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Provided, the court bailiff shall receive five dollars per day; *provided*, the chief bailiff to be designated by the Sheriff shall receive six dollars per day. *Provided*, further, that ten dollars may be paid for each transcript of testimony at Coroner's inquests, upon the approval of the Coroner. *Provided*, further, that in the event any capital cases are appealed to the Supreme Court by lawyers appointed by the court to represent the defendant, the cost of printing record for appeal and brief for defense counsel shall be paid for from this item.

50-B. County audit, as contracted for by Orangeburg County Highway Commission, not to exceed ..	1,500.00
53-B. Salary, County Judge	13,500.00
53-C. Salary, stenographer for County Judge	5,174.00
53-D. Salary, court stenographer for county court work	1,050.00
53-E. Clerical help for Circuit Solicitor	1,260.00
53-F. Travel, Probation Officer	480.00
54-A. Salary, Domestic Relations Court Judge (part-time)	5,822.00
54-B. Salary, Stenographer, Domestic Relations Court	3,951.00
54-C. Salary, Clerk, Domestic Relations Court, part-time	1,200.00
54-D. Salary, Probation Counselor, Domestic Relations Court	6,000.00
54-E. Travel, Probation Counselor, Domestic Relations Court	2,100.00
54-F. Law Library, County Judge	100.00
54-G. Miscellaneous expense, Domestic Relations Court	600.00
54-H. Rent for office, J. M. Brailsford, Supreme Court Justice	960.00
54-I. Clerical help—Circuit Judge	1,411.00

Total, Judicial Department\$ 57,108.00

Probate Judge:

55-A. Salary, Judge of Probate	\$ 7,500.00
55-B. Salary, Deputy Judge of Probate	5,376.00
55-C. Post mortems and lunacies	2,400.00
55-D. Part Time Recording Clerk	1,680.00

Total, Judge of Probate\$ 16,956.00

Provided, the Judge of Probate may retain the fees for estate taxes paid to the State of South Carolina under Sections 14-1198.3 and 27-303 of the 1962 Code.

Magistrates (part-time):

58-A. Salary, Magistrate at Orangeburg	\$ 3,881.00
58-B. Full-time stenographic service for Magistrates at Orangeburg	2,688.00
59-A. Salary, Magistrate at North	1,551.00
59-B. Salary, Magistrate at Branchville	1,551.00
59-C. Salary, Magistrate at Bowman	1,551.00
59-D. Salary, Magistrate at Holly Hill	1,750.00
59-E. Salary, Magistrate at Elloree	1,750.00
59-F. Salary, Magistrate at Springfield	1,398.00
59-G. Salary, Magistrate at Cope	1,551.00
59-H. Salary, Magistrate at Neeses	1,551.00
59-I. Salary, Magistrate at Norway	1,398.00
59-J. Salary, Magistrate at Eutawville	1,398.00

Total, Magistrates\$ 22,018.00

County Health Work	\$ 44,903.00
60-A. Rabies Control Officer	3,528.00
60-J. Meat inspections	18,000.00

Total, County Health Work\$ 66,431.00

Provided, that such sum of money shall supplement the allotment to Orangeburg County by the State Health Department and the budget of the Health Department shall be approved by the Orangeburg County Legislative Delegation.

Any unexpended funds remaining at the end of the year shall revert to the general fund of the county. *Provided*, further, the rabies control pro-

gram shall be under the supervision and control of the county health officer.

Farm and Home Demonstration Department—to be approved by the legislative delegation	\$ 11,685.00
65-N. Negro Fair Association	300.00
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Total, Farm and Home Demonstration Department	\$ 11,985.00

Social Service:

- 70-A. Relief for the needy under the supervision of Department of Public Welfare\$ 5,700.00
Such sum to be advanced to County Welfare Department quarterly and, at the end of each quarter period, the county legislative delegation shall be furnished a statement showing how such money was spent.
- 70-B. Hospital aid for charity patients\$ 50,000.00
Provided, such sum of money shall be paid to the Orangeburg Hospital at Orangeburg in quarterly payments and, before such payments are made, the hospital shall furnish to the Orangeburg County Highway Commission a statement showing the number of charity patients treated, and the number of days such patients were treated during the preceding quarter, and not more than thirty per cent of the total appropriation shall be drawn for any one quarter of the fiscal year. *Provided*, further, that the officials of hospital shall have the right to enlist the assistance of the Orangeburg County Department of Public Welfare in investigating the financial standing of any person applying for assistance under the provisions of this section. *Provided*, further, that not more than seven dollars and fifty cents per day shall be payable from county for care of any patient.
- 70-C. County Welfare Department, petty cash 1,700.00
- 72-A. Salvation Army 600.00
- 73-A. Children's nursery at Orangeburg 600.00
- 73-F. Colored children's work 180.00

73-H. Sunlight Club, for aid in county 600.00

Total, Social Service\$ 59,380.00

Miscellaneous Expenses and Services:

75-A. Salary of Coroner (part-time)\$ 2,688.00

75-B. Travel of Coroner @ \$30.00 per month 360.00

75-C. Payment of Coroner's juries at rate of two dollars
for each member 400.00
Radio for Coroner 750.00

75-D. Orangeburg County Planning and Development
Commission 10,000.00
Provided, that the Orangeburg County Planning
and Development Commission may draw the
above amount and deposit the proceeds in its
own bank account to carry on the duties pre-
scribed for it by law. *Provided*, that county dele-
gation shall be given an accounting of expenses
under this item each year.

75-E. Salary, Service Officer 7,112.00
Provided, that his full time is given to the duties
of his office.

75-F. Stenographer for Service Officer 3,780.00

75-G. Expenses, Service Officer 2,100.00
Provided, that he be furnished an office in the
courthouse.

75-H. Salary, members of Board of Registration 1,529.00
Provided, the chairman shall receive a salary of
\$525.00 from county appropriation.

75-I. Expense, local South Carolina National Guard
units 1,000.00

75-J. Expense, Civil Defense 500.00

Total, Miscellaneous Expenses and Services ..\$ 30,219.00

General Expense:

80-A. Stationery, books, office supplies, equipment,
printing, postage and advertising\$ 24,000.00

80-B. Insurance on public buildings 2,500.00

80-C. Premiums on bonds of county officials 1,100.00

80-D. Courthouse, expenses, including fuel, utilities,
water, supplies, telephone, etc. 20,000.00

80-E. Part-time clerical help, Orangeburg Soil Conservation District	1,747.00
80-H. Janitor service, Courthouse	2,717.00
80-I. Janitors, office building	1,268.00
80-J. Janitors' County Health Center	1,941.00
80-K. To match funds of county officers and employees for retirement purposes and Social Security	45,111.00
80-L. Workmen's Compensation coverage	3,000.00
80-M. Salary, buildings and maintenance Superintendent	4,800.00
80-N. To supplement funds, county officers and employees—group insurance	10,200.00
80-O Repairs to county buildings	5,000.00
80-T. Secretary to delegation (salary)	600.00
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Total, General Expense	\$123,984.00

Contingent Fund:

85-A. Contingent expenses	\$ 53,683.00
<i>Provided</i> , that the expenditures from this item shall be approved by the county legislative delegation.	
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Total, Contingent Fund	\$ 53,683.00

Transitory Expenditures:

90-G. For heat, water and expenses of curb market ..	\$ 180.00
<i>Provided</i> , this amount shall be paid monthly to the secretary.	
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Total, Transitory Expenses	\$ 180.00

TOTAL FOR OPERATING EXPENSES ..\$953,963.00

SECTION 2. The sums herein appropriated for the specific purposes under the several items herein are the maximum amounts which shall be expended for the respective purposes and no warrant shall be issued in excess of such amounts, nor shall any indebtedness be incurred which in the aggregate exceeds the amounts provided for each item, and the Treasurer of Orangeburg County is prohibited from paying any warrant which exceeds such sums; *provided*, that no money shall be spent otherwise than is specifically authorized by

this act or the legislative delegation, as provided herein, and all unexpended balances not otherwise directed in this act shall be placed to the credit of the general county fund.

SECTION 3. The sums hereinabove appropriated shall only be used if so much be necessary and when not otherwise provided. Salaries and expenses, where combined in the same item, shall be paid monthly without requiring expenses to be itemized. *Provided*, that where expenses are provided as a separate item they shall not be paid except upon sworn itemized statements of the same. Travel paid for by the county shall be at the rate of nine cents per mile except that, when a public conveyance is used, only the actual cost of the transportation shall be paid.

SECTION 4. All sums received by the county treasurer from the officers formerly receiving fees in Orangeburg County shall be credited to the general county fund, and the treasurer shall keep a separate record of the monthly remittance from each such officer. *Provided*, that whenever any fees are due to any county officers by reason of work or service done for the county and, where the fees required by law to be paid would have to be paid by the county, the various county officers heretofore entitled to charge fees are instructed and authorized to perform such services and do such work without requiring the payment of such fees. *Provided*, however, each officer shall make a record of such work or service performed for the benefit of the county and file a statement of same with the county treasurer in making his monthly statement.

SECTION 5. Whenever reference is made in this act, or any other legislation, to any action of or by the legislative delegation, the same means the joint approval, agreement or order of the Senator and one-half of the Representatives of Orangeburg County in the General Assembly holding office at the time of such instructions.

SECTION 6. No portion of the funds hereby appropriated shall be used to pay for public liability insurance on any motor vehicle owned by Orangeburg County. The appropriation for Contingent Expenses may be used by the Orangeburg County Highway Commission to pay any deficit arising by reason of claims under items 43-B, 43-C, 50-A, 55-C, 80-A, 80-D, 80-K and 80-L, in case the specific appropriations therefor shall be exhausted.

SECTION 7. Upon written authorization of the Legislative Delegation from Orangeburg County, the Orangeburg County Highway Commission shall make the necessary repairs and improvements to the public buildings owned by the county, and the expense thereof shall be paid from the ordinary funds of the county.

SECTION 8. The county service officers, the attendance teacher, each outside deputy sheriff, the county health director, the county forestry ranger and county rabies control officer shall prepare written reports quarterly as to their activities and services, sending a copy to each member of the county legislative delegation.

SECTION 9. Jurors in the circuit and county courts shall be paid a per diem of five dollars for each day of attendance upon any court session.

SECTION 10. Any appropriation made by this act may be reduced or eliminated by order of the Legislative Delegation from Orangeburg County, and when any new employee enters the service of Orangeburg County, whether replacing an existing employee or filling a new position, the compensation or salary of such new employee shall be set by the legislative delegation.

SECTION 11. In anticipation of the collection of taxes herein provided for, the Treasurer of Orangeburg County, with the approval of the county legislative delegation, is authorized to borrow such sums as may be necessary to carry out the provisions of this act, and to pledge current taxes in payment thereof.

SECTION 12. If any word, phrase, part or section of this act is held unconstitutional, the remaining portion shall continue in full force and effect.

SECTION 13. Upon written authorization of a majority of the Legislative Delegation from Orangeburg County, additions to the courthouse and expenditures for the county development board shall be paid from the ordinary funds of the county.

SECTION 14. This act shall take effect upon approval by the Governor.

Approved the 8th day of June, 1966.

(R1405, H2693)

No. 1373

An Act To Authorize The Treasurer Of Orangeburg County To Borrow Three Hundred Fifty Thousand Dollars For The Purpose Of Paying The County's Share Of The Cost Of The Purchase Of A Site For And Erection Of A Technical Education Center In Conjunction With Calhoun County And To Provide For The Payment Thereof.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Orangeburg County may borrow money.—The Treasurer of Orangeburg County is authorized to borrow three hundred fifty thousand dollars for the purpose of paying the county's share of the cost of the purchase of a site for and erection of a technical education center in conjunction with Calhoun County. The amount shall be evidenced by a note executed by the treasurer of the county. The note shall bear interest at a rate not to exceed five per cent per annum, and shall be paid in no more than five annual installments.

SECTION 2. Payment.—For the payment of the note the auditor and the treasurer of the county shall respectively levy and collect an annual tax, not to exceed four mills, on all the taxable property of the county sufficient to retire the loan and interest thereon. The full faith, credit and taxing power of the county are hereby irrevocably pledged to the payment of the indebtedness provided for in this act.

SECTION 3. Payment if money borrowed from Division of General Services.—Should the money be borrowed from the Division of General Services and should there be default in any payment, the State Treasurer is directed to withhold all State funds accruing to the county, which have not heretofore been pledged, for the payment of such indebtedness, and shall transmit the funds so withheld to the Division of General Services.

SECTION 4. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 8th day of June, 1966.

(R1432, H2738)

No. 1374

An Act To Direct The Orangeburg County Highway Commission To Execute And Deliver To The State Forestry Commission A Fee Simple Quitclaim Deed Conveying To The State Forestry Commission Any And All Right, Title And Interest Of Orangeburg County In And To Property Lying On The Southern Side Of Santee State Park So That The Property Can Be Exchanged With Adjacent Landowners For Property Lying To The North Of Santee State Park And To Have The Interest Of Orangeburg County Attached To Property Obtained By The State Forestry Commission In The Proposed Exchange.

Whereas, during the years 1941, 1942 and 1943, the State Forestry Commission acquired certain tracts of land in Elloree Township by deed and/or condemnation and the said tracts of land were consolidated into and comprise lands now known as Santee State Park; and

Whereas, at the time of the acquisition of the lands Orangeburg County furnished one-half of the purchase price and agreed to accept in exchange therefor reversionary rights in the event the lands ceased to be used as a State Park; and

Whereas, the State Forestry Commission desires to exchange certain lands comprising not more than one hundred acres on the southern side of Santee State Park for one hundred acres on the northern side of the Park; and

Whereas, in order to effectuate the exchange it is necessary that the State Forestry Commission have a fee simple title to the lands to be exchanged and it is for the mutual benefit of both the County of Orangeburg and the State Forestry Commission that the State Forestry Commission have an unrestricted title. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Orangeburg County Highway Commission shall execute quitclaim deed.—The Orangeburg County Highway Commission shall execute and deliver a fee simple quitclaim deed on behalf of Orangeburg County to the State Forestry Commission conveying all of the right, title and interest of the county in and to the following described property:

All that certain piece, parcel or tract of land, situate, lying and being in Elloree Township, Orangeburg County, State of South Carolina, containing one hundred (100) acres, more or less, and

being bounded on the North by lands of the State Forestry Commission, known as Santee State Park; on the East by lands of the State Forestry Commission; on the South by lands now or formerly of Continental Can Company, Inc., and/or U. S. Highway No. 15; and on the West by S. C. State Highway No. 6.

Provided, that this authority is contingent upon Orangeburg County being granted the same right of reversion in the land procured by the Forestry Commission in exchange for the above parcel as the county now has in the remainder of the Santee State Park property.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 8th day of June, 1966.

(R1352, H2549)

No. 1375

An Act To Provide For The Levy Of Taxes In Pickens County For County And School Purposes For The Fiscal Year Beginning July 1, 1966, And Ending June 30, 1967, And To Direct The Expenditure Thereof.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. A tax of so many mills as is necessary is hereby levied on all taxable property in Pickens County, for county and school purposes, for the fiscal year beginning July 1, 1966, and ending June 30, 1967, for the amounts and purposes hereinafter mentioned. The millage levy shall not exceed that number of mills, or fractions thereof, actually necessary to raise the sums herein appropriated. After deducting the expected revenues herein stated, such millage shall be determined by the Pickens County Auditor, subject to the approval of a majority of the Pickens County Legislative Delegation. *Provided*, the ordinary county tax millage shall be set at a time different from that at which the school tax levy is set by the auditor upon recommendation of a majority of the members of the Board of Trustees of Pickens County School District A.

Item 1. Roads and bridges, cross-county roads, etc. :

A. Maintenance, roads and bridges, county farm and central purchasing office	\$290,000.00
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Provided, that not more than \$45,000.00 of the above sum shall be expended within the incorporated municipalities upon recommendation of the Pickens County Municipal Association and approval of a majority of the legislative delegation. *Provided*, further, that not to exceed \$40,000.00 of the above sum may be expended prior to July 1, 1966, upon the approval of a majority of the legislative delegation. *Provided*, further, that when this appropriation is expended no additional funds will be available until July 1, 1967.

- B. New machinery to be purchased on prior written approval of a majority of the Pickens County Legislative Delegation 60,000.00
- C. No money, labor or material shall be expended, performed or used by Pickens County in the construction or improvement of any street or road in any subdivision, or property to be subdivided, owned by any person, firm or corporation until the requirements and rules promulgated by the Pickens County Board of Commissioners are complied with; such compliance shall be a condition precedent before such money, labor or material is expended, performed or used.

Total, Item 1\$350,000.00

Item 2. County officers, salaries and expenses:

- A. Clerk of Court\$ 7,000.00
 - A-1. Deputy Clerk of Court 4,158.00
 - A-2. Clerk 3,581.00
 - A-3. Assistant Clerk 2,640.00
 - A-4. Reindexing of mortgages and deeds 8,000.00
 - B. Supervisor's Salary 7,000.00
- Provided*, the Supervisor is allowed to use the gas and oil of the county for his car when necessary for county business.
- B-1. Clerk to Supervisor and County Commissioners 4,620.00
 - B-2. Assistant Clerk 3,465.00
 - B-3. Assistant Clerk 2,640.00

C. Two County Commissioners	4,620.00
D. Coroner	1,540.00
D-1. Travel and automobile expense for Coroner	1,200.00
E. County Attorney	1,000.00
F. County Physician	1,000.00
G. County Auditor	2,423.00
<i>Provided</i> , the salary of the County Auditor from State and county funds shall be the sum of \$7,000.00.	
G-1. Clerk for Auditor	3,049.00
G-2. Assistant Clerk for Auditor	2,772.00
G-3. Mileage for Auditor	400.00
G-4. Equalization program	12,500.00
H. County Treasurer	2,423.00
<i>Provided</i> , the salary of the County Treasurer from State and county funds shall be the sum of \$7,000.00. <i>Provided</i> , further, that a notice shall be sent to every taxpayer when county ordinary taxes or county school taxes are increased. Such notice shall state the purpose and method of such increase.	
H-1. Clerk for Treasurer	4,158.00
H-2. Assistant Clerk	2,772.00
I. County Sheriff	7,000.00
I-1. Eleven Deputy Sheriffs	51,293.00
<i>Provided</i> , the above deputy sheriffs shall perform duties at the county jail as directed and scheduled by the county sheriff. <i>Provided</i> , further, that the sheriff shall provide police protection for Pickens County twenty-four hours per day; such protection to be evidenced by deputies on active duty for such period through assignment by the sheriff.	
I-2. Travel expenses for Sheriff and Deputies	10,200.00
<i>Provided</i> , gasoline shall be furnished by the county.	
I-3. Maintenance —Sheriff's Department	10,000.00
I-4. Uniforms for Sheriff and Deputies	2,800.00
I-5. Special Deputy @ \$65.00 per month	780.00

I-6. Maintenance of radio system for Sheriff's Department	750.00
1-7. Jailer	3,600.00
I-8. Dispatcher and Clerk	2,860.00
J. Probate Judge	7,000.00
J-1. Clerical help	2,772.00
J-2. Assistant Clerk	2,640.00
K. Tax Collector	4,400.00
K-1. Clerical help for Tax Collector	2,772.00
K-2. Mileage for Tax Collector	600.00
L. Service Officer	5,544.00
L-1. Clerk	3,049.00
L-2. Assistant Clerk	2,640.00
L-3. Travel	2,000.00
M. Magistrates:	
M-1. Easley	4,158.00
M-2. Pickens	3,081.00
M-3. Liberty	2,521.00
M-4. Central	2,521.00
M-5. Six Mile	1,000.00
M-6. Magistrates' Constables, salaries:	
(a) Liberty	705.00
(b) Central	1,487.00
(c) Easley	2,772.00
<i>Provided, the Easley Constable shall devote full-time to the duties of this office.</i>	
M-7. Magistrates' Constables—fees and mileage	1,200.00
N. Clerk for Historical Society	693.00
Total, Item 2	\$225,799.00
Item 3. County Boards:	
A. Board of Equalization	\$ 500.00
B. Board of Registration	500.00
C. Board of Vital Statistics	450.00
D. Development Commission (salaries, expenses and promotion)	11,000.00
Total, Item 3	\$ 12,450.00

Item 4. Court Expenses, Jurors, Witnesses, etc.:

A. Jurors and Witnesses	\$ 8,000.00
<i>Provided</i> , the Clerk of Court shall select not more than three qualified bailiffs to be in attendance at terms of Court of General Sessions and Common Pleas.	
B. Expense, Stenographer, 13th Judicial Circuit ..	500.00
B-1. Travel expense, Solicitor, 13th Judicial Circuit	700.00
B-2. Expense, Secretary to Solicitor	500.00
C. Post mortems, inquests and lunacies	1,000.00
D. Jurors for Coroner's inquests	50.00
E. Stenographer for inquests	300.00
Total, Item 4	\$ 11,050.00

Item 5. County Home and feeding prisoners:

A. County jail	\$ 6,000.00
B. County Home	5,000.00
C. Transporting prisoners	450.00
Total, Item 5	\$ 11,450.00

Item 6. Public Buildings:

A. Water, lights and insurance	\$ 12,000.00
<i>Provided</i> , insurance against liability by reason of explosion of boilers in various county buildings and insurance against liability on county vehicles shall be purchased.	
B. Telephone and telegraph	7,500.00
C. Fuel	2,500.00
D. Janitor service and supplies	8,500.00
<i>Provided</i> , the board of commissioners shall employ such person as may be necessary and provide the supplies to maintain the county buildings in a clean and sanitary condition.	
E. Printing, postage and stationery	15,000.00
F. Repairs on public buildings	4,000.00
Total, Item 6	\$ 49,500.00

Item 7. Miscellaneous:

A. Bond premium, county officers	\$ 850.00
B. County Library	32,400.00
C. Compensation insurance premium	2,500.00
D. Annual audit of county	2,500.00
E. Contingent fund, to be expended upon the written approval of a majority of the Pickens County Legislative Delegation	10,000.00
<i>Provided</i> , the Pickens County Rabies Control Program shall be paid from this item. <i>Provided</i> , further, that this program is under the supervision of the Pickens County Board of Health.	
F. County's part, Employees' Retirement Fund ..	31,000.00
G. Mileage, Pickens County Fire Control Wardens (three @ \$30.00 per month each)	1,080.00
H. Adult Education Program	2,000.00
<i>Provided</i> , that such program shall be approved by the Pickens County Legislative Delegation.	
I. Maintenance of Watershed Projects	1,500.00
Total, Item 7	\$ 83,830.00

Item 8. Farm Demonstration:

A. 4-H Club, Boys	\$ 200.00
B. 4-H Club, Girls	200.00
C. F. F. A.	200.00
D. Supplies for Home Agent	100.00
E. Clerical help for County Agent's Office	600.00
F. Supplement to salary of County Farm Agent ..	600.00
G. Supplement to salary of Assistant County Farm Agent	400.00
H. Supplement to salary of County Home Demonstration Agent	400.00
I. Supplement to salary of Assistant County Home Demonstration Agent	350.00
<i>Provided</i> , that the sums appropriated in sub-items F., G., H. and I. shall be paid in equal quarterly payments.	
Total, Item 8	\$ 3,050.00

Item 9. Pickens County Department of Public Welfare:	
A. Emergency relief (to prospective clients)	\$ 3,000.00
B. Child Welfare (mileage)	1,188.00
C. Foster board care	1,000.00
D. Special services (lunches for child welfare and other clients when taken out of county on all-day trips)	200.00
E. Pickens County Board of Public Welfare @ \$200.00 per annum per member	600.00
<i>Provided</i> , that the amount in Item 9A herein-above shall be spent in accordance with written regulations promulgated by the Pickens County Board of Public Welfare.	
F. General Fund	500.00
G. Administration (medical assistance to the aged)	240.00
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Total, Item 9	\$ 6,728.00
Item 10. Pickens County Health Department:	
A. Burial of paupers	\$ 500.00
B. Pickens County Health Unit	30,000.00
<i>Provided</i> , that all moneys expended from this appropriation, together with such funds as may be contributed by the State and Federal Governments for the operation of the county health unit, shall be in accordance with a budget filed with and approved in advance of such expenditures by a majority of the Pickens County Legislative Delegation.	
C. Mental Health Clinic	7,500.00
D. Garbage Disposal	10,000.00
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Total, Item 10	\$ 48,000.00
Item 11. National Defense:	
A. Easley unit	\$ 1,300.00
B. Clemson unit	300.00
C. Civil Defense	3,500.00
<i>Provided</i> , that the above amount shall be expended only on the approval of a majority of the county legislative delegation.	
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Total, Item 11	\$ 5,100.00

Item 12. County Cooperative Breeding Association \$ 1,800.00

Provided, that not to exceed \$150.00 per month shall be paid from this appropriation by the county treasurer on an itemized statement of the officers of the association.

Total, Item 12 \$ 1,800.00

Item 13. Pickens County Charity Hospital Funds \$ 20,000.00

Provided, that no moneys are to be expended until a definite rate per day be established and approved by a majority of the Pickens County Legislative Delegation, and be filed in writing with the county board of commissioners. *Provided*, further, that the above sum shall be regulated, supervised and administered by the Pickens County Board of Public Welfare. *Provided*, further, that the costs and expenditures for hospitalization and administration shall not exceed the above sum and no appropriation for administration or hospitalization shall be made when these funds are expended.

13-A. Reimbursement to the County General Fund for moneys withheld under Act 393 of 1961 for charity hospitalization 23,015.00

Total, Item 13 \$ 43,015.00

Item 14. Technical Education Center \$ 6,670.00

Total, Item 14 \$ 6,670.00

GRAND TOTAL \$858,442.00

Less Estimated Revenues—other than taxes:

Magistrates—Fines and Fees \$ 65,000.00

From the Probate Judge 2,500.00

From the Clerk of Court 45,000.00

From the County Supervisor 40,000.00

From the Sheriff 1,000.00

From the Tax Collector 20,000.00

From the Wine and Beer Tax 15,000.00

Liquor Tax	50,000.00
Gas Tax	185,000.00
Income Tax	75,000.00
From Insurance License Fees	40,000.00
Tax from Banks	7,000.00
State Contribution for Service Officer	4,815.00
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Total	\$550,315.00
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Total amount to be raised by taxes	\$308,127.00

SECTION 2. The county board of commissioners is hereby authorized and directed to publish quarterly statements in the four Pickens County newspapers. They shall publish only the amounts appropriated and the unexpected balance of each item.

SECTION 3. No bills or claims against Pickens County for supplies purchased or services rendered shall be approved by the supervisor and the county commissioners, except in meeting assembled. No such bills or claims shall be approved for payment and no vouchers shall be issued for same unless such bills or claims are properly itemized showing the supplies or articles purchased, and the services rendered, with the proper dates of such purchases and of rendering of such services and duties.

SECTION 4. Transfer from one item to another may be made only upon the written approval of a majority of the Pickens County Legislative Delegation and they shall have power and authority to provide for and add to the appropriation herein made any sum sufficient to take care of any deficit which may prove to exist from the maintenance of the costs of the county government during the year 1966-67.

SECTION 5. The auditor and the treasurer, with the approval of a majority of the Pickens County Legislative Delegation, are hereby authorized and empowered to increase the general levy above provided to meet the appropriations made.

SECTION 6. There is hereby levied four mills for interest and a sinking fund on county bonds.

SECTION 7. Magistrates' constables for whom salaries are appropriated shall be appointed by the magistrates in the respective town-

ships. The duties of magistrates' constables at Pickens and Six Mile shall be performed by the sheriff and his deputies.

SECTION 8. The Auditor of Pickens County shall levy a sufficient number of mills, or fraction thereof, to raise the sums necessary to operate the public schools of Pickens County School District A in accordance with a budget to be prepared and presented to him by a majority of the trustees of the school district. Such budget shall include the necessary sums for payment of the share of this county of the compensation of the agriculture teachers in the school system, and the trustees are authorized to expend such sums from the amount appropriated in their budget for that purpose. The school tax levy shall be set at a time not less than one week after the ordinary county tax levy is set. The school tax millage shall be within the statutory limitation.

SECTION 9. The annual compensation of each member of the Board of Trustees of Pickens County School District A and of each member of the county board of education is hereby fixed at twenty-five dollars. The sum necessary to pay the compensation herein prescribed shall be expended from the educational funds of the county.

SECTION 10. Any sum appropriated under the provisions of this act for salaries shall lapse upon the discharge, death, removal or resignation of the officer or employee to whom the appropriation applies, or by vacancy, however created, of the office to which such appropriation applies, and any employee or officer succeeding such employee or officer shall be paid at a compensation to be fixed in writing by a majority of the legislative delegation, and filed with the county board of commissioners.

SECTION 11. All county officials, authorized to disburse funds designated in the county appropriations act, are instructed to expend no funds in excess of amounts appropriated without the written approval of a majority of the county legislative delegation, and thereby avoid violation of Section 14-315 of the 1962 Code.

SECTION 12. A section of the county jail shall be reserved and set apart to be used for quartering offenders of sixteen years of age or less.

SECTION 13. The Treasurer of Pickens County is authorized to pay to the probation officer who has jurisdiction over Pickens County

such sums as are necessary for compensation for additional duties in the investigation of cases in which persons under the age of eighteen years are charged with criminal offenses, upon the authorization of a majority of the legislative delegation. The probation officer shall make a complete report with his recommendations to the magistrate or circuit court having jurisdiction of the cases involving these persons.

SECTION 14. When such purchasing or placing of orders is made, the equipment, materials, goods, wares, merchandise or services needed shall be purchased from firms or individuals within the county whenever such firms or individuals are reliable and offer equipment, materials, goods, wares, merchandise or services of equal quality and specifications with like goods from outside the county and at a price equal to or less than the price submitted by such nonresident bidders.

SECTION 15. No salary shall be paid under the provisions of this act until such employee, as affected, shall have complied with all requirements of the State Retirement Act with regard to any fees collected that are covered under the Social Security Law, such determination of amounts due to be certified to Pickens County by the State Director of the Retirement System.

SECTION 16. The beginning salary for full-time clerical help employed under the provisions of this act shall be two thousand six hundred dollars. Such employee may participate in the last general pay raise upon the recommendation of the department head but not sooner than ninety days from date of employment.

SECTION 17. This act shall take effect upon approval by the Governor.

Approved the 1st day of June, 1966.

An Act To Authorize The Board Of Trustees Of School District No. 2 Of Richland County To Issue Not Exceeding Eight Hundred Thousand Dollars Of General Obligation Bonds Of The School District; To Prescribe The Conditions Under Which The Bonds May Be Issued And The Purposes For Which Their Pro-

ceeds May Be Expended; And To Make Provision For Repayment.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Findings of General Assembly.—The General Assembly finds that the continued growth of the population in the School District No. 2 of Richland County makes it mandatory that additional public school facilities be provided for the district, and that the cost, to be borne by the district, should be raised by an issue of general obligation bonds. The General Assembly has, therefore, determined to empower the board of trustees of such district (hereinafter called the “trustees”) to provide additional public school facilities for the district and raise therefor the sum of eight hundred thousand dollars through the sale of the bonds authorized by this act.

SECTION 2. Bond issue authorized.—The trustees are hereby empowered to issue general obligation bonds of the district in the aggregate principal amount of not exceeding eight hundred thousand dollars and to apply the proceeds of such bonds to the purposes prescribed by this act.

SECTION 3. Maturity.—All bonds issued pursuant to this act shall mature in such annual series or instalments as the trustees shall provide, except that the first maturing bonds of any issue shall mature not later than three years from the date as of which they shall be issued; not less than two per cent of any issue shall mature in any year; and no bond shall mature later than twenty-five years from the date as of which it shall be issued.

SECTION 4. Redemption.—Any bond issued pursuant to this act may be issued with a provision for its redemption prior to its stated maturity at par and accrued interest, plus such redemption premium as may be prescribed by the trustees, but no bond shall be redeemable before maturity unless it contains a statement to that effect. In the proceedings authorizing the issuance of such bonds, provision shall be made specifying the manner of call and the notice that must be given.

SECTION 5. Form.—The bonds shall be in the form of negotiable coupon bonds, payable to bearer, but may be issued with the privilege to any holder of having them registered as to principal on the books

of the Treasurer of Richland County, upon such condition as the trustees may prescribe. Except when so registered, all bonds shall have all attributes of negotiable instruments under the law merchant and the negotiable instruments law.

SECTION 6. Where payable.—The bonds shall be made payable at such places, within or without the State, as the trustees shall prescribe, and shall bear such interest as may be determined by the trustees.

SECTION 7. Execution.—The bonds, and the coupons to be thereunto attached, shall be executed in such manner as the trustees shall by resolution prescribe.

SECTION 8. Sale.—The bonds shall be sold at a price of not less than par and accrued interest to the date of their respective deliveries. They shall be sold at public sale, after public advertisement of the sale in a newspaper of general circulation in South Carolina. In such event the published notice shall appear not less than ten days prior to the occasion set for opening bids.

SECTION 9. Payment.—For the payment of the principal and interest of all bonds issued pursuant to this act, as they respectively mature, and for the creation of such sinking fund as may be necessary therefor, the full faith, credit and taxing power of the district shall be irrevocably pledged, and there shall be levied annually by the Auditor, and collected by the Treasurer of Richland County, in the same manner as county taxes, a tax without limit, on all taxable property in the district, sufficient to pay the principal and interest of such bonds as they respectively mature and to create such sinking fund as may be necessary therefor.

SECTION 10. Exempt from taxes.—The principal and interest of bonds issued pursuant to this act shall have the tax exempt status prescribed by Section 65-4.1 of the 1962 Code.

SECTION 11. Proceeds.—The proceeds derived from the sale of any bonds issued pursuant to this act shall be paid to the Treasurer of Richland County, to be deposited in a bond account fund for the district, and expended by the trustees as follows:

(a) Any accrued interest shall be applied to the payment of the first instalment of interest to become due on such bonds.

(b) Any premium shall be applied to the payment of the first instalment of principal of such bonds.

(c) The remaining proceeds shall be used to defray the cost of issuing the bonds authorized hereby, and to pay costs to be incurred in the constructing and equipping of additional public school facilities in the district.

(d) Any balance remaining shall be held by the Treasurer of Richland County in a special fund and used to effect the retirement of bonds authorized hereby.

SECTION 12. Powers to be additional.—The powers hereby conferred upon the trustees are in addition to all others previously vested in them.

SECTION 13. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 2nd day of March, 1966.

(R848, H2116)

No. 1377

An Act To Authorize The Trustees Of Richland County School District No. 2, And The County Treasurer Of Richland County, To Borrow Not Exceeding One Hundred Sixty Thousand Dollars To Be Used For School Purposes And To Provide For The Payment Of Such Loan.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. School District 2 of Richland County may borrow money.—The Board of Trustees of School District No. 2 of Richland County, and the County Treasurer of Richland County, are hereby authorized to borrow not exceeding one hundred sixty thousand dollars from the Division of General Services, or any other lending agency at the lowest interest rate available, for the purpose of constructing additional facilities, making additions to existing buildings, or for equipping such facilities for school purposes. The amount borrowed shall be evidenced by notes to be executed by each member of the Board of Trustees of School District No. 2 of Richland County and by the Treasurer of Richland County. The notes shall bear interest at not exceeding four per cent per annum from the date thereof, interest to be paid annually, and shall be payable in three equal, annual installments with the right to anticipate payment thereof at any annual interest paying period.

SECTION 2. Payment.—For the payment of the notes the Board of Trustees of School District No. 2 and the County Treasurer of Richland County shall pledge the annual grant from the State Educational Finance Commission for the repayment of the loan and the interest thereon.

SECTION 3 Payment, further.—As additional security for the loan, in the event the annual grant to the school district by the State Educational Finance Commission shall be insufficient to pay the principal and interest on the loan, the Auditor of Richland County shall levy and the treasurer shall collect an annual tax upon all of the taxable property of School District No. 2 sufficient to retire the loan and the interest due thereon and the entire proceeds of such levy shall be applied to the payment of the notes, inclusive of interest, in full, at which time the levy provided herein shall be terminated. In the event the school district may receive or have on hand any funds not otherwise pledged nor designated for a particular use, such funds may be used for payment of the loan and interest thereon. The full faith, credit and taxing powers of Richland County are irrevocably pledged for the payment of the loan.

SECTION 4. Payment, further.—If the money is borrowed from the Division of General Services and should there be default in the payment of any installment, the State Treasurer is directed to withhold all State funds accruing to the district, which have not heretofore been pledged, for the payment of such installment and shall transmit the funds so withheld to the Division of General Services.

SECTION 5. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 11th day of March, 1966.

A Joint Resolution Proposing An Amendment To Article I, Section 17, Of The Constitution Of South Carolina, 1895, Relating To Criminal Punishment, Double Jeopardy And The Taking Of Private Property, So As To Authorize The City Of Columbia To Undertake And Carry Out Slum Clearance And Redevelopment Work, And To Provide For The Use Of The Power Of Emi-

ment Domain By The City Of Columbia, Acting Through Its City Council Or Any Housing Or Redevelopment Authority, Subject To The Approval Of City Council And To Require That Just Compensation Be Paid For Property and Property Rights Taken Pursuant To Such Use Of The Power Of Eminent Domain.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Findings of General Assembly.—The General Assembly finds that if the City of Columbia is to be permitted to undertake urban renewal programs, it is necessary that Section 17 of Article I of the Constitution be amended in such fashion as to authorize the City of Columbia to acquire private property for such purposes, inasmuch as without such specific authorization the provisions of Section 17 of Article I relating to taking of private property, as construed by the Supreme Court of South Carolina in the case of *Edens vs. City of Columbia*, decided January 30, 1956 and reported in 228 S.C., page 563, 91 S.E. 2d 280, do not now authorize such action. Accordingly, the General Assembly proposes to submit to the qualified electors of the State at the next general election the question of whether Section 17 of Article I of the State Constitution should be amended in such fashion as to permit the City of Columbia to acquire private property in order to undertake a program of urban renewal within the corporate limits of such city as now or hereafter constituted.

SECTION 2. Amendment to Article I, Section 17, State Constitution, proposed—City of Columbia may undertake slum clearance and redevelopment—eminent domain.—It is proposed that Section 17 of Article I of the Constitution of South Carolina, 1895, be amended by adding at the end thereof the following: "*Provided*, that the City of Columbia may, pursuant to statutory law, now existing or hereafter enacted, and acting through its city council or through any housing or redevelopment authority, now or hereafter established, subject to the approval of city council, undertake and carry out slum clearance and redevelopment work in areas which are predominantly slum or blighted, the preparation of such areas for re-use, and the sale or other disposition of such areas to private enterprise for private uses or to public bodies for public uses, and to that end may exercise the power of eminent domain as to any property essential to the plan of slum clearance and redevelopment. *Provided*, further, that just compensation be paid for all property

and property rights so taken. In cases of condemnation of land, where reuse is for private purposes, on which is located main underground subway systems, interstate toll lines, transmission lines, tranformer vaults or railroad main line trackage, the total compensation to the public utility or railroad shall be the reasonable expense incurred in relocation of the systems, lines, vaults or trackage."

SECTION 3. Submission to electors.—The proposed amendment shall be submitted to the qualified electors at the next general election for representatives. Ballots shall be provided at the various voting precincts with the following words printed or written thereon:

"Shall Section 17 of Article I of the Constitution of South Carolina, 1895, be amended so as to permit the use of the power of eminent domain by the City of Columbia or housing or redevelopment authorities functioning in the City of Columbia, subject to the approval of city council, for the purpose of slum clearance and redevelopment work in areas within the corporate limits of the City of Columbia which are predominantly slum or blighted, in order to acquire and clear such areas, to prepare them for re-use and for sale or other disposition to private enterprise for private purposes or to public bodies for public purposes and to require that just compensation be paid for property and property rights taken pursuant to such use of the power of eminent domain?

In favor of the amendment ☐

Opposed to the amendment ☐

Those voting in favor of the amendment shall deposit a ballot with a check or cross mark in the square after the words 'In favor of the amendment,' and those voting against the amendment shall deposit a ballot with a check or cross mark in the square after the words 'Opposed to the amendment.'"

Ratified the 21st day of April, 1966.

(R1055, H2465)

No. 1379

An Act To Authorize Richland County Board Of Administrators To Borrow Not Exceeding Three Hundred Ninety Thousand Dollars For Technical Educational Purposes And To Provide For The Payment Of The Loan.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Richland County Board of Administrators may borrow money for technical education.—In addition to any other loans which may have been authorized for the following purposes, the Richland County Board of Administrators is authorized to borrow not exceeding three hundred ninety thousand dollars from the Division of General Services, or any other lending agency, for the purpose of acquiring and developing land and constructing technical educational facilities. The indebtedness shall be evidenced by notes executed by the chairman of the board and the county treasurer, and shall be repayable in five equal annual installments, together with interest thereon. The borrower reserves the right to anticipate the payment of part or all of the loan on any installment date.

SECTION 2. Payment.—For the payment of the notes, the auditor of the county shall levy and the treasurer shall collect, an annual tax on all the taxable property of the county sufficient to retire the loan and interest due thereon, and the entire proceeds of such levy shall be applied to the payment of the notes, inclusive of the interest in full, at which date the levy provided herein shall be terminated.

The full faith, credit and taxing power of the county are hereby irrevocably pledged to the payment of the indebtedness provided for in this act.

SECTION 3. Payment, further.—Should the monies be borrowed from the Division of General Services and should there be default in any payment, the State Treasurer is directed to withhold any funds accruing to the county and to deposit such amount to the credit of the Division of General Services of the Budget and Control Board.

SECTION 4. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 22nd day of April, 1966.

(R1062, H2446)

No. 1380

An Act To Authorize The Richland County Board Of Administrators To Borrow Not Exceeding Twenty-Seven Thousand Dollars For The Purchase Of New Seating At The Township Auditorium.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Richland County may borrow money for Township Auditorium.—The Richland County Board of Administrators is authorized to borrow not exceeding twenty-seven thousand dollars from the Division of General Services, or any other lending agency, for the purchase of new seating at the township auditorium. The indebtedness shall be evidenced by a note executed by the chairman of the board and the county treasurer, and shall be repayable in two equal annual installments, together with interest thereon.

SECTION 2. Payment.—For the payment of the principal and interest of the note, the full faith, credit and taxing power of Richland County are irrevocably pledged. Should the monies be borrowed from the Division of General Services and should there be default in any payment, the State Treasurer is directed to withhold any funds accruing to the county and to deposit such amount to the credit of the Division of General Services of the Budget and Control Board.

SECTION 3. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 22nd day of April, 1966.

(R1069, H2480)

No. 1381

An Act To Further Define The Powers Of The Jackson-Gills Creek Public Service Commission And To Authorize And Empower The Commission To Issue Not Exceeding Three Million Dollars Of General Obligation Bonds Of The District; To Prescribe The Terms And Conditions Under Which The Bonds May Be Issued And The Purposes For Which Their Proceeds May Be Expended, And To Make Provision For The Payment Of The Bonds.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Findings of General Assembly.—Jackson-Gills Creek Public Service District (the district) is a special purpose district in Richland County, with boundaries as set forth in Act No. 1203 of 1962. The district was created by Act No. 1114 of 1960, as amended by Acts 634 of 1961 and 1203 of 1962. Its functions are performed by the Jackson-Gills Creek Public Service Commission (the commission). The district was formed following a finding that its

population was such that public sewage disposal facilities were necessary, and there was committed to the district the function of preserving the public health of the district through the means of providing sewage disposal facilities. The commission, as the governing agency of the district, has all of the powers prescribed by the acts above recited and has, in addition thereto, powers generally conferred upon special districts by the general law of South Carolina.

Pursuant to the powers vested in it, the commission has undertaken the construction and operation of sewage disposal and treatment facilities for the district and has utilized powers granted to it to issue and sell three million dollars of general obligation bonds of the district.

Further growth of the population within the district indicates that additional moneys are required in order to provide all of the sewage disposal and treatment service that has now become necessary. It is found that an additional three million dollars is required for that purpose. In addition, the General Assembly has taken note of the existence of sewage problems in the vicinity of the district and has found that it might be feasible to permit the district to enter into contracts to provide sewage collection service under contractual arrangements designed to provide the district with sufficient revenues to compensate for such undertakings.

SECTION 2. Bonds may be issued.—In order to raise the moneys required for additional sewage disposal and treatment facilities for the district, the commission is hereby authorized and empowered to issue, as a single issue, or from time to time as several separate issues, not exceeding three million dollars of general obligation bonds of the district, in addition to the general obligation bonds authorized by Act No. 1114 of 1960, as amended.

SECTION 3. Maturity.—All bonds issued pursuant to this act shall mature in such annual series or installments as the commission shall provide for, except that the first maturing bonds of any issue shall mature not later than two years from the date they shall be issued; not less than three per cent of any issue shall mature in each year; and no bond shall mature later than thirty years from the date it shall be issued.

SECTION 4. Redemption.—Any bond issued pursuant to this act may be issued with a provision permitting its redemption prior to its stated maturity at par and accrued interest, plus such redemption

premium as may be prescribed by the commission, but no bond shall be redeemable prior to its stated maturity unless it contains a statement to that effect. In the proceedings authorizing the issuance of the bonds, provisions shall be made specifying the manner of call and the notice thereof that must be given as to bonds made redeemable prior to their stated maturities.

SECTION 5. Form.—The bonds issued pursuant to this act shall be in the form of negotiable coupon bonds, payable to bearer, but may be issued with the privilege to any holder of having them registered as to principal on the books of the Treasurer of Richland County, upon such conditions as the commission may prescribe. Except when so registered, all bonds issued pursuant to this act shall have all attributes of negotiable instruments under the law merchant and the negotiable instruments law.

SECTION 6. Denominations.—The bonds issued pursuant to this act shall be of such denominations and shall be made payable at such places, within or without the State, as the commission shall provide.

SECTION 7. Interest.—Bonds issued pursuant to this act shall bear interest at rates determined by the commission.

SECTION 8. Execution.—The bonds and the coupons to be thereunto attached shall be executed in such manner as the commission shall by resolution prescribe.

SECTION 9. Sale.—Bonds issued pursuant to this act shall be sold at a price of not less than par and accrued interest to the date of their respective deliveries. They shall be sold after public advertisement of their sale in a newspaper of general circulation in South Carolina. Such published notice shall appear not less than ten days prior to the occasion set for opening bids.

SECTION 10. Payment.—For the payment of the principal and interest of all bonds issued pursuant to this act, as they respectively mature, and for the creation of such sinking fund as may be necessary therefor, the full faith, credit and taxing power of the district shall be irrevocably pledged, and there shall be levied annually by the Auditor of Richland County and collected by the Treasurer of Richland County, in the same manner as county taxes are levied and collected, a tax without limit on all taxable property in the district, sufficient to pay the principal and interest of such bonds as they respectively mature and to create such sinking fund as may be necessary therefor.

SECTION 11. Exempt from taxes.—The principal and interest of bonds issued pursuant to this act shall have the tax-exempt status prescribed by Section 65-4.1, Code of Laws of South Carolina, 1962.

SECTION 12. Proceeds.—The proceeds derived from the sale of any bonds issued pursuant to this act shall be paid to the Treasurer of Richland County, to be deposited in a Bond Account Fund for the Jackson-Gills Creek Public Service District, and shall be expended and made use of as follows:

(a) Any accrued interest shall be applied by the county treasurer to the payment of the first installment of interest to become due on such bonds.

(b) Any premium shall be applied to the payment of the first installment of principal of such bonds.

(c) The remaining proceeds shall be expended, upon the warrant or order of the commission, for the following purposes:

(i) To defray the costs of issuing the bonds authorized by this act; and

(ii) To construct additional sewage disposal and treatment facilities.

(d) If, after the final completion of the commission's program, the commission shall certify to the Treasurer of Richland County that any remaining balance in the Bond Account Fund is no longer needed for its program, then such balance shall be held by the treasurer and used to effect the retirement of bonds then outstanding, which shall have been issued pursuant to this act.

(e) Pending any use of funds, it shall be lawful for the commission to cause the principal proceeds resulting from any sale of bonds to be invested in obligations of the United States, or any agency thereof, having a maturity of not more than one year from the date when such investments shall be made. In order to effect such investment the commission shall be empowered to withdraw from the treasurer the entire principal proceeds of any bonds that may be issued and to cause them to be deposited with any corporate trustee who shall hold them as trust funds to be invested in the manner that the commission shall direct within the limitations imposed by this paragraph.

Any income resulting from such investment shall be returned to the Treasurer of Richland County and used by him to meet the debt service of any bonds so issued.

SECTION 13. Sewage disposal service beyond limits of district.

—In addition to the powers now vested in the commission, it shall be empowered to provide sewage disposal service to persons and corporations situate beyond the territorial limits of the district, upon such terms and conditions as it shall approve, but only when the contractual arrangements are designed to provide sufficient revenue to the district to compensate for such undertaking.

SECTION 14. No other action necessary.—No action other than that prescribed in this act need be taken to effect the issuance of the bonds herein authorized, nor shall the commission be required to obtain the approval of any public agency to any action taken pursuant to the authorizations of this act.

SECTION 15. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 22nd day of April, 1966.

(R1076, S489)

No. 1382

An Act To Amend Act No. 697 Of 1965, The Richland County Appropriations Act, So As To Provide That The Killian And Olympia Magisterial Districts In Richland County Shall Each Be Allowed An Additional Constable Without Pay.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Act 697 of 1965 amended—additional constable for certain magisterial districts.—Act No. 697 of 1965 is amended in Section 2, Subsection III, Item B, in the fifth proviso thereof by inserting "Killian" between "Hopkins" and "Lykesland" and by inserting "Olympia" between "Lykesland" and "and". The proviso when amended shall read as follows:

"Provided, further, that the Magistrates of Columbia, Eastover, Garners, Hopkins, Killian, Lykesland, Olympia and Waverly shall be allowed one additional Constable who shall serve without pay."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 29th day of April, 1966.

(R1096, H2522)

No. 1383

An Act To Authorize The Governing Body Of Richland County To Issue And Sell Not Exceeding One Million One Hundred Seventy Thousand Dollars Of General Obligation Bonds Of Richland County To Provide Funds For Technical Education In Richland County; To Prescribe The Conditions Under Which The Bonds Shall Be Issued And Provisions For Their Payment.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Findings of General Assembly.—The General Assembly finds that there is an immediate need for capital expenditures for Richland County for the following purposes:

1. To defray the cost of land purchased or acquisitioned and its development for technical education purposes including construction of additional Technical Educational Center facilities and adequate parking areas not exceeding one million one hundred seventy thousand dollars.

The General Assembly takes further note of the fact that by legislation *pari materia* three hundred ninety thousand dollars was authorized to be borrowed for the same purposes as proposed in this act and that such indebtedness is to be liquidated from the proceeds of the bond issue herein provided for.

The General Assembly has, therefore, determined to empower the Governing Body of Richland County (the governing body) to issue general obligation bonds of Richland County to the extent herein provided in order to provide the funds required for the expenditures above referred to.

SECTION 2. Bonds may be issued.—In order to provide funds to be expended for the purposes mentioned in Section 1 of this act, the governing body is hereby authorized and empowered to issue and sell general obligation bonds of Richland County in an aggregate principal amount not exceeding one million one hundred seventy thousand dollars.

SECTION 3. Issue.—The bonds authorized by this act may be issued as a single issue, or from time to time as several separate issues.

SECTION 4. Denominations.—The bonds shall be in such denominations and shall mature in such annual series or installments as the governing body shall provide for, except that the last maturing bonds

shall mature not later than twenty years from the date as of which the bonds shall be issued.

SECTION 5. Redemption.—The bonds issued pursuant to this act may be issued with a provision for their redemption prior to their stated maturities at par and accrued interest, plus such redemption premium as may be prescribed by the governing body, but no bond shall be redeemable before maturity unless it contains a statement to that effect. If bonds are made subject to redemption, provision shall be made in the proceedings authorizing the issuance of the bonds, specifying the manner of call and the notice thereof that must be given.

SECTION 6. Form.—The bonds shall be in the form of negotiable coupon bonds, payable to bearer, but may be issued with the privilege to any holder of having them registered as to principal on the books of the Treasurer of Richland County, upon such conditions as the governing body may prescribe. Except when so registered, all bonds issued pursuant to this act shall have all attributes of negotiable instruments under the law merchant and the negotiable instruments law.

SECTION 7. Where payable.—The bonds issued pursuant to this act shall be made payable at such place, within or without the State, as the governing body shall provide.

SECTION 8. Interest.—Bonds issued pursuant to this act shall bear interest at rates determined by the governing body.

SECTION 9. Execution.—The bonds, and the coupons to be thereunto attached, shall be executed in such manner as the governing body shall by resolution provide.

SECTION 10. Sale.—Bonds issued pursuant to this act shall be sold at a price not less than par and accrued interest to the date of their respective deliveries. They shall be sold after public advertisement of their sale in a newspaper of general circulation in South Carolina, and in a financial journal published in the City of New York, State of New York. The published notice shall appear not less than ten days prior to the occasion set for opening bids.

SECTION 11. Payment.—For the payment of the principal and interest of all bonds issued pursuant to this act, as they respectively mature, and for the creation of such sinking fund as may be necessary therefor, the full faith, credit and taxing power of Richland County shall be irrevocably pledged, and there shall be levied annually by the

Auditor of Richland County, and collected by the Treasurer of Richland County, in the same manner as county taxes are levied and collected, a tax without limit on all taxable property in Richland County, sufficient to pay the principal and interest of such bonds as they respectively mature, and to create such sinking fund as may be necessary therefor.

SECTION 12. Exempt from taxes.—The principal and interest of any bonds issued pursuant to this act shall have the tax exempt status prescribed by Section 65-4.1 of the 1962 Code.

SECTION 13. Proceeds.—The proceeds derived from the sale of any bonds issued pursuant to this act shall be paid to the Treasurer of Richland County and shall be deposited in a bond account fund, and shall be expended and made use of as follows:

(a) Any accrued interest shall be applied to the payment of the first installment of interest to become due on such bonds.

(b) Any premium shall be applied to the payment of the first installment of principal of such bonds.

(c) The liquidation of the three hundred ninety thousand dollar indebtedness referred to in Section 1 including the interest thereon.

(d) The remaining proceeds shall be expended, on the warrant of the governing body, to defray the cost of issuing the bonds authorized hereby, and utilized, within the limitations set forth in Section 1, for the purposes therein provided.

(e) If any balance remain, it shall be held by the Treasurer of Richland County in a special fund and used to effect the retirement of bonds authorized hereby; *provided*, that the purchaser of the bonds herein authorized shall be in no way responsible for the proper application of the proceeds.

SECTION 14. Powers to be additional.—The powers and authorizations hereby conferred upon the governing body shall be in addition to all other powers and authorizations previously vested therein, and may be exercised by the governing body at any regular or special meeting through the adoption of a resolution or resolutions to take effect immediately upon their adoption.

SECTION 15. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 29th day of April, 1966.

(R1100, S723)

No. 1384**An Act To Authorize The City Of Columbia, In Richland County, To Make A Grant To The University Of South Carolina.**

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Findings of General Assembly.—The General Assembly finds: that, pursuant to authority heretofore granted by the General Assembly, the University of South Carolina proposes to construct a multi-use sports coliseum, auditorium and classroom structure in the City of Columbia near the present campus of the University; that the City of Columbia, in order to aid in the construction of this structure, proposes to grant to the University land or money, or both, in the total value of six hundred thousand dollars over a three year period; that in return for this grant the University will permit the use of the structure and the adjacent parking areas by the City and its citizens under the terms negotiated with the University by the Memorial Hall Study Committee; that benefits greatly exceeding the grant will be derived from the use of the structure by the City and its citizens for public functions as well as from the use by the University for cultural and athletic events open to the public and from the additional classroom space which will contribute to the growth of the University in the City; and that these benefits constitute a valid and valuable consideration for such grant.

SECTION 2. City of Columbia may grant land to University of S. C.—In order to aid the University in the construction of such structure, the City of Columbia is authorized to make a grant of land or money, or both, not to exceed six hundred thousand dollars in value to the University of South Carolina over a maximum period of three years from the effective date of this act.

SECTION 3. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 4th day of May, 1966.

(R1142, H2553)

No. 1385

An Act To Amend Act No. 639 Of 1961, As Amended, Redefining The Area Of Center Township In Richland County, So As To Further Redefine That Area.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 1 of Act 639 of 1961 amended—redefine area of Center Township, Richland County.—Section 1 of Act 639 of 1961, as amended, is further amended by striking beginning on line thirteen the following: “Aster Street; thence turning north and running along the present Waverly-Olympia magisterial line to a point where it intersects with the Columbia City limits; thence turning right and running” and inserting in lieu thereof the following: “Blair Road; thence turning and running northeasterly in a straight line to the intersection of the center line of South Ott Road and the center line of Airline Boulevard; thence turning and running in a northerly direction”. The section when amended shall read as follows:

“Section 1. Center Township in Richland County is described as follows:

Beginning at a point where School District No. 1 intersects the Seaboard Airline Railroad at Formosa Drive; thence following the Seaboard Airline Railroad to the Kershaw County line; thence turning and running in a southeasterly direction along the county line to the Wateree River; thence turning south and following the Wateree River to U. S. Highway No. 76; thence turning and running along U. S. Highway No. 76 in a westerly direction to the School District No. 1 line to a stone marker at the U. S. Veterans Hospital; thence turning in a southwesterly direction and running along the line of School District No. 1 to its intersection with Shop Road at Blair Road; thence turning and running northeasterly in a straight line to the intersection of the center line of South Ott Road and the center line of Airline Boulevard; thence turning and running in a northerly direction along the Columbia City limits line to Fort Jackson; thence turning and running southeast along the boundary of Fort Jackson to a point of intersection with the southeastern corner of School District No. 1; thence turning northward and running along the line of School District No. 1 to the point of beginning.

No portion of the above described area shall constitute a part of Columbia Township.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 4th day of May, 1966.

(R1228, S725)

No. 1386**An Act To Authorize The Governing Body Of Richland County To Borrow Not Exceeding Ninety-Five Thousand Dollars For General County Purposes And To Provide For Repayment Of The Loan.**

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Richland County may borrow money—payment.—

The Governing Body of Richland County is hereby authorized to borrow from the Division of General Services of the State Budget and Control Board or any other source for general county purposes not exceeding ninety-five thousand dollars. The indebtedness shall be evidenced by notes signed by the chairman of the governing body and the county treasurer. The indebtedness shall be repaid upon such terms as the borrower and lender may agree, not to exceed four years or to exceed four per cent interest. For the payment of the indebtedness, the full faith, credit and taxing power of the county are irrevocably pledged and the county auditor and county treasurer are directed to levy and collect annually a sufficient sum to pay the principal and interest thereon.

Should the monies be borrowed from the Division of General Services and should there be default in any payment, the State Treasurer is directed to withhold any funds accruing to the county and to transmit them to the Division of General Services.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 14th day of May, 1966.

(R1379, H2726)

No. 1387**An Act To Declare That The Election Required By Act No. 873 Of 1960 Has Been Had And To Confirm The Authority Of The Rural Recreational District Of Richland County To Issue Not Exceeding Two Hundred Thousand Dollars Of General Obligation Bonds In Accordance With The Authorization Of Act No. 873 Of 1960.**

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Findings of General Assembly.—The General Assembly finds that the Rural Recreational District of Richland County was authorized by Act No. 873 of 1960 to issue not exceeding two hundred thousand dollars of general obligation bonds of the district, for the purposes therein prescribed, provided a favorable vote resulted in the election provided for in Act No. 873 of 1960. The election was held in 1960 and resulted favorably on the question of creating the district and on the question of the issuance of the bonds.

SECTION 2. Election favorable.—The General Assembly hereby declares that the favorable election imposed as a condition precedent to the issuance of not exceeding two hundred thousand dollars of general obligation bonds by the district pursuant to the authorization of Act No. 873 of 1960 has occurred and that condition precedent has now been fully complied with.

SECTION 3. Right to issue bonds confirmed.—The right of the district to proceed with the issuance of not exceeding two hundred thousand dollars of general obligation bonds of the district pursuant to the authorization and for the purposes prescribed by Act No. 873 of 1960 is hereby confirmed, and no further election need be held in connection therewith.

SECTION 4. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 13th day of June, 1966.

(R1431, H2744)

No. 1388

An Act To Provide A Levy Of Taxes For Richland County For School And County Purposes For The Fiscal Year 1966-67 And To Direct The Expenditures Therefor; And To Provide For The Operation Of The County Government; And To Amend Section 27-94, Code Of Laws Of South Carolina, 1962, As Amended, Relating To Fees Of The Clerk Of Court Of Richland County, So As To Provide Further Therefor.

Be it enacted by the General Assembly of the State of South Carolina :

PART I

Maintenance and Operation of County Government

SECTION 1. TAX LEVY. For the operation of the government of Richland County and for ordinary county purposes, there is hereby levied on all taxable property in Richland County a tax of nine and one-half mills, if so much be necessary, which, together with all additional sums available for such purposes, shall be used as herein directed. For the operation of the school districts of Richland County and for other school purposes, there is hereby levied on all taxable property in Richland County a school equalization levy of fifteen mills and, in addition thereto, there is levied on all taxable property in the school districts, respectively, the tax authorized by law, to wit: in School District No. 1, a tax of forty-two mills for local school purposes; in School District No. 2, a tax of thirty-nine and one-half mills for local school purposes; in School District No. 5, a tax of thirty-seven and one-half mills for local school purposes; in School District No. 6, a local school levy, as shall be recommended by the Board of Trustees of School District No. 5 of Lexington County, of which School District No. 6, Richland County, is a part. The tax levy for local school and debt service purposes in Richland County School District No. 6 portion of the district shall not exceed the local school and debt service tax levied on the taxable property of the district in the Lexington County portion of Lexington County School District No. 5.

There shall also be provided additional levies for local school purposes in School District No. 1, School District No. 2, and School District No. 5, in the event of a decrease in or elimination of Federal funds anticipated to be received under Public Law 874 and in the event of such decrease or elimination the levies for special school purposes in the respective districts shall be as follows: For School District No. 1, a tax of forty-five mills for local school purposes, if so much be necessary; for School District No. 2, a tax of sixty-three mills, if so much be necessary; and in School District No. 5, a tax of fifty-five mills, if so much be necessary. This special authorization requires that the Trustees of School District No. 1, School District No. 2, and School District No. 5 shall notify the Auditor of Richland County not later than August 1, 1966, of the amount by which anticipated funds under Public Law 874 shall be decreased or entirely eliminated, and the amount of the tax levy for local

school purposes which shall be necessary in order to replace the loss of such funds; however, the tax levy shall not exceed the tax levies set forth above.

SECTION 2. APPROPRIATIONS. There is hereby appropriated from the revenues available for ordinary county purposes as follows:

SUBSECTION 1. ADMINISTRATIVE DEPARTMENTS

ITEM A. BOARD OF ADMINISTRATORS

1. Office of the Board	
a. Salaries	
(1) 4 members of the Board of Administrators (\$2,700.00 each)	\$ 10,800.00
(2) Per diem for 5 members of the Board of Administrators @ \$15 each per meeting not to exceed 104 meetings per year	7,800.00
(3) Administrative Assistant-Finance Director ..	9,500.00
(4) Secretary to the Board	4,860.00
(5) Two county physicians @ \$2400 each	4,800.00
(6) County Attorney	4,437.93
(7) County Engineer	10,060.00
b. Technical and professional consultation and advice and official expense, if so much be necessary	7,500.00
	<hr/>
	\$ 59,757.93

Provided, that the amount appropriated for the salaries of the county physicians \$600.00 thereof is appropriated and shall be paid to the county physicians for mental examinations of service men and women for admittance to the Veterans Administration Hospital. *Provided*, that the amount appropriated for the county attorney does not include compensation for abstracting titles to real estate or handling bond issues for any board or agency of Richland County; and that the county attorney may charge such board or agency for such services the minimum fee approved by the Richland County Bar Association. *Provided*, further, that no board or agency of Richland County shall retain or contract for the services

of any attorney or expend any funds herein appropriated for such purpose without first obtaining from the county attorney a certification that such services are necessary and are without the scope of the duties of the county attorney. *Provided*, that the county engineer shall be a graduate of an accredited college or university with a degree in one of the recognized fields of engineering, shall be employed by a majority vote of the Board of Administrators, and shall serve at the pleasure of the Board, and shall have such duties and responsibilities as shall be from time to time set by the Board.

2. Services for other departments

a. Extra Clerical Hire & Overtime Pay\$ 10,000.00

\$ 10,000.00

Provided, that no department of Richland County shall employ extra clerical help or incur any obligation for overtime pay to regular county employees without first obtaining approval of the Board of Administrators, pursuant to such regulations as the Board may from time to time promulgate. *Provided*, further, that overtime work by regular county employees shall be compensated, wherever possible, with compensatory time off.

b. Auditing of County Records

(1) Auditor	\$ 750.00
(2) Board of Administrators	600.00
(3) Clerk of Court	1,000.00
(4) Juvenile-Domestic Relations Court	750.00
(5) Master in Equity	500.00
(6) Magistrates	3,000.00
(7) Judge of Probate	150.00
(8) Standing Master	50.00
(9) Sheriff	200.00
(10) Supervisor's Office & Related Departments ..	1,800.00
(11) Tax Collector	4,000.00

(12) Treasurer	2,500.00
(13) General	1,500.00

\$ 16,800.00

Provided, that the audit of the Board of Education, the Columbia Hospital of Richland County, the Richland County Health Department, the Richland County Public Library, and the Columbia Township Auditorium shall be made by the firm selected to conduct the annual independent audit of the books and records of Richland County; or such other firm as may be requested by the Board of Trustees of any of the agencies enumerated above; however, subject to approval of the Board of Administrators; and the actual cost of auditing the records of each department or agency listed in this proviso shall be drawn from the funds appropriated for each respective department. *Provided*, further, that every department or agency of Richland County subject to audit shall keep and maintain such books and records as are necessary and required to permit the annual independent audit to be properly and expeditiously conducted and, where the cost of audit for any department or agency exceeds the amount therein appropriated for that purpose, the firm conducting the annual independent audit of Richland County shall certify to the Board of Administrators, in writing, the reasons therefor. *Provided*, further, that where such additional expenses be certified as having resulted from the failure of any department or agency to keep and maintain proper and necessary records, then and in that event, the additional cost shall be deducted from the compensation provided for the Administrative Head of such department or agency, unless such payment be waived by the Board of Administrators for good cause shown.

b. Contingent Fund\$100,000.00

\$100,000.00

Provided, that appropriations may be made by the Board of Administrators by majority vote thereof, from time to time, from the Contingent Fund of Richland County for such purposes or needs as may arise, where, in the judgment of the Board, such appropriations are necessary in the best interest of Richland County.

Provided, further, that no such appropriation shall be made, except in the course of a duly called public meeting of the Board and recorded in the Minutes of the Board, which minutes shall be maintained as a public record.

3. Central Accounting and Microfilming

a. Salaries

- (1) Key Punch Operators, Verifier Operators,
Microfilming Clerk\$ 15,000.00
- b. Microfilming and related equipment 15,000.00

\$ 30,000.00

Provided, the appropriation for salary of key punch, verifier, and microfilm operators shall be paid to the individual employee at such rate as may be approved by the Board of Administrators.

4. County Department of Detention

a. Salaries

- (1) Warden\$ 5,746.00
- (2) Assistant Warden 4,000.00
- (3) Food Service Officer 4,000.00
- (4) Assistant Food Service Officer 3,900.00
- (5) 3 Sergeants @ \$4000 each 12,000.00
- (6) 11 Guards @ \$3900 each 42,900.00
- (7) Guard 3,650.00
- (8) 3 Matrons @ \$3450 each 10,350.00
- (9) Clerk I 3,042.00
- b. Supplies and Dieting at Jail 30,000.00

c. Purchase of Uniforms	500.00
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\$120,088.00

Provided, that all moneys paid by other governmental agencies for the housing or dieting of prisoners confined in the Richland County Department of Detention shall be added to and become part of the appropriation for equipment, supplies and personnel for the Detention Center, and may be expended by the Board of Administrators as may be necessary for such purposes. *Provided*, further, that the Warden shall operate and maintain the Department of Detention in accordance with such rules and regulations as the Board of Administrators may from time to time promulgate and shall make such reports as the Board may from time to time require.

5. Public Buildings

a. Salaries

(1) Building Maintenance Foreman	\$ 4,472.00
(2) Elevator Operator	3,057.55
(3) Elevator Operator	3,042.00
(4) Head Janitor	2,756.00
(5) Janitor	2,766.95
(6) Janitor	2,886.00
(7) Janitor	2,626.00
(8) Janitor	2,756.00
(9) Maid	1,600.00

b. Utilities	20,000.00
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c. Telephone	13,000.00
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d. Building repairs and maintenance	10,000.00
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e. Contract for Elevator Maintenance	1,926.00
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f. Repair and maintenance of office equipment and machinery	5,000.00
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g. Capital Improvements	40,000.00
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\$115,888.50

TOTAL: ITEM A	\$452,534.43
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ITEM B. SUPERVISOR

1. Office of the Supervisor

a. Salaries

(1) Supervisor	\$ 11,108.50
(2) Accounting Office Manager	5,460.00
(3) Clerk II	4,056.00
(4) Clerk I	1,930.00

\$ 22,554.50

Provided, that the County Supervisor shall furnish to the Board of Road Commissioners all necessary stenographic and clerical assistance as may be required by the Board.

2. Supplies and Services for Other Departments

a. Advertising and public notices, if so much be necessary

.....\$ 1,000.00

b. Postage, if so much be necessary

..... 16,000.00

c. Stationery and office supplies

(1) Board of Administrators	1,000.00
(2) Auditor	1,300.00
(3) Treasurer	1,500.00
(4) Clerk of Court	
(a) General Supplies	10,000.00
(b) Duplicating machines, rental and supplies	20,000.00
(5) Supervisor's office	
(a) General Supplies	750.00
(b) Bulk Purchases for all Departments ...	1,500.00
(6) Tax Collector	1,000.00
(7) Circuit Judge	200.00
(8) County Judges @ \$350	700.00
(9) Juvenile-Domestic Judge	750.00
(10) Probate Judge	2,500.00
(11) Master's Office	1,250.00
(12) Sheriff's Office	1,500.00
(13) Coroner	300.00
(14) Superintendent of Education	300.00
(15) Forms for Magistrates and Check Clearing House	750.00
(16) Central Accounting and Microfilming	1,000.00
d. Officers and employees bond, if so much be necessary	3,000.00

e. State Fund Premium	12,000.00
f. Insurance, buildings and vehicles	12,000.00
g. For tenure, county employees 25 years service	1,235.00
h. South Carolina Retirement System	51,000.00
i. South Carolina Police Retirement	20,603.00
j. Social Security	48,000.00
k. County group insurance	15,000.00
l. Voting machines, annual installment payment	14,345.00

\$240,483.00

Provided, that all departments and agencies being furnished stationery and office supplies through the Supervisor's Office shall keep and maintain separate records of such supplies furnished to their office and shall budget the amount provided for such supplies to the end that the appropriated amount shall not be exceeded.

3. County Prison Camps

a. Salaries

(1) Prison Superintendent II	\$ 7,032.80
(2) 3 Prison Superintendents I @ \$5200	15,600.00
(3) 4 Prison Foremen @ \$3900	15,600.00
(4) 24 Guards @ \$3800	91,200.00
(5) 2 Chaplains @ \$1337.27	2,666.54
(6) Relief and substitute guards	2,400.00
b. Dieting	36,000.00
c. Utilities	10,000.00
d. Clothing	7,000.00
e. Drugs and dental	3,000.00
f. Miscellaneous	5,000.00

\$195,499.34

4. County Paving and Road Maintenance Program

a. Salaries

(1) 2 Auto Mechanics @ \$4264	\$ 8,528.00
(2) 9 Equipment Operators @ \$3874	34,866.00
b. Roads, streets, and school signs, if so much be necessary	2,000.00

c. Replacement of old equipment, if so much be necessary	30,000.00
d. Parts and Repairs	35,000.00
e. Materials	20,000.00
f. Gasoline and Oil	21,000.00
	<hr/>
	\$151,394.00

5. Farm-to-Market Paving Program

a. Salaries

(1) Road Construction Superintendent	\$ 6,032.00
(2) Guard	3,800.00
(3) Mechanic	4,974.00
(4) 3 Truck Drivers @ \$3800	11,400.00
(5) Dragline Operator	5,396.94
(6) Fine Grade Operator	5,516.24
(7) Distributor Operator	5,000.00
(8) Motor-Grader Operator	4,800.00
(9) Relief operators & Extra hire	3,189.53

\$ 50,108.71

Provided, that all moneys saved on Farm-to-Market paving contracts shall be placed in a special account in the treasurer's office to be used by the Supervisor and Board of Road Commissioners for paving or equipment in such paving program upon the approval of the Board of Administrators. *Provided*, further, that the extra hire and relief mechanics, operators, and drivers employed by Richland County be paid on the basis of the salary formula as provided for other county employees of similar classification.

6. County Convalescent Home

a. Salaries

(1) Superintendent	\$ 4,000.00
(2) Housekeeping Supervisor	2,000.00
(3) Building Maintenceman	2,936.83
(4) Licensed Practical Nurse	2,626.00
(5) Practical Nurse	2,496.00
(6) Practical Nurse	2,537.09

(7) Cook	1,800.00
(8) Cook	1,600.00
(9) Laundry Worker	1,768.00
(10) Nurse's Aide	1,250.00
(11) 2 Nurse's Aides @ \$1450	2,900.00
(12) Night Watchman	2,306.00
b. Dieting, if so much be necessary	10,217.00
c. Supplies and maintenance, if so much be necessary	6,000.00
d. Repairs, if so much be necessary	2,000.00
	<hr/>
	\$ 46,436.92

TOTAL: ITEM B\$706,476.47

Provided, that the Superintendent shall be appointed by the Supervisor, and shall be a person having a suitable medical background and training; *Provided*, further, that all moneys by way of pensions, contributions, or otherwise, paid from any source other than Richland County for maintenance and Board of any person maintained and cared for in Richland County Convalescent Home, shall be turned over to the Treasurer and become part of the Richland County General Fund. *Provided*, further, however, that in addition to the appropriations hereinabove provided for supplies, dieting and maintenance, the Board of Administrators shall have the right to use such moneys so paid to supplement the maintenance, support and care of persons maintained and cared for in the Richland County Convalescent Home, if necessary. *Provided*, further, that complete records of same be maintained and included in the annual county audit.

ITEM C. BOARD OF ROAD COMMISSIONERS

- Salaries, 7 road commissioners @ \$202.57 per month, each\$ 17,015.88

2. Official travel expenses commissioners @ \$50-
.00 per month, each 4,200.00

\$ 21,215.88

TOTAL: ITEM C\$ 21,215.88

ITEM D. AUDITOR

1. Salaries

- a. Auditor\$ 5,265.00
b. Assistant County Auditor 5,200.00
c. Clerk II 5,039.00
d. 4 Clerk II @ \$3918.49 15,673.96
e. Clerk II 3,692.00
f. Clerk II 3,399.00

\$ 38,268.96

TOTAL: ITEM D\$ 38,268.96

ITEM E. TREASURER'S OFFICE

1. Salaries

- a. Treasurer\$ 5,265.00
b. Collections Supervisor 5,200.00
c. Treasurer Accounting Officer 4,940.00
d. Clerk I 3,840.00
e. Clerk I 3,354.00

\$ 22,599.00

TOTAL: ITEM E\$ 22,599.00

Provided, that the salary of the Auditor and Treasurer shall be \$9,805.50 and if the State fails to pay an amount sufficient to bring the respective salaries of the Auditor and Treasurer to that amount, then such amount is hereby appropriated as to bring their respective salaries up to \$9,805.50 and no more.

ITEM F. TAX COLLECTOR'S OFFICE

1. Salaries

- a. Delinquent Tax Collector\$ 6,994.00

b. 2 Assistant Delinquent Tax Collectors	
@ \$5357.99	10,715.98
c. Assistant Delinquent Tax Collector	5,448.28
d. Clerk I	3,918.00
e. Clerk I	3,567.76
2. Contract Services, if so much be necessary ..	500.00
3. Purchase one adding machine, if so much be necessary	260.00
	<hr/>
	\$ 31,404.02

TOTAL: ITEM F\$ 31,404.02

Provided, that the Assistant Delinquent Tax Collectors for Richland County be deputized by the Sheriff of Richland County. *Provided*, that, for this fiscal year only, the penalties, charges, and fees assessed upon delinquent taxes and collected by the Delinquent Tax Collector shall be held by the County Treasurer in a separate account for the purpose of employing temporary additional deputy tax collectors and to establish such procedures as may be desirable to facilitate the collection of taxes, the fund to be expended by the Delinquent Tax Collector upon approval of such expenditures by the Board of Administrators. *Provided*, further, that such part of the account as is unexpended as of the end of the fiscal year shall become part of the General Fund of Richland County.

ITEM G. DELEGATION OFFICE

1. Administrative Staff	
a. Salaries	
(1) Administrative Assistant	\$ 3,379.24
(2) Secretary to the Delegation	4,940.00
b. Office Supplies and official Legislative expenses	1,000.00
	<hr/>
	\$ 9,319.24

TOTAL: ITEM G\$ 9,319.24

ITEM H. COUNTY SERVICE OFFICER

1. Salaries	
a. County Service Officer	\$ 5,514.76
b. Assistant County Service Officer	4,264.00
2. Supplies, equipment and official expenses ...	1,167.34
	<hr/>
	\$ 10,946.10

TOTAL: ITEM H\$ 10,946.10

Provided, that the assistant service officer shall be on call for secretarial assistance, if required, to the Legislative Delegation or the Administrative Assistant thereof.

TOTAL: SUBSECTION I\$1,292,764.10

SUBSECTION II. JUDICIAL DEPARTMENTS

ITEM A. COURT OF COMMON PLEAS AND
GENERAL SESSIONS

1. Salaries	
a. Secretary to Circuit Judge	\$ 4,264.00
b. Court Stenographer	1,325.36
c. Assistant Court Stenographer	5,460.00
2. Supplies, books and office expenses	1,750.00
	<hr/>
	\$ 12,799.36

TOTAL: ITEM A\$12,799.36

Provided, that the sum appropriated for supplies, books and office expenses shall be expended as directed by the Resident Judge of the Fifth Judicial Circuit.

ITEM B. RICHLAND COUNTY COURTS

1. Office of the Senior County Judge	
a. Salaries	
(1) Senior County Judge	\$ 15,189.00
(2) Court Reporter	5,746.00
(3) Bailiff	4,691.26
(4) Bailiff	4,691.26
b. Purchase electric typewriter, if so much be necessary	340.00
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	\$ 30,657.52

2. Office of the County Judge

a. Salaries

(1) County Judge	\$ 12,400.00
(2) Court Reporter	4,940.00
(3) Bailiff	4,974.81
(4) Bailiff, part-time	2,810.00
b. Law Books, if so much be necessary	300.00
c. Rug, if so much be necessary	300.00

\$ 25,724.81

TOTAL: ITEM B\$ 56,382.33

ITEM C. JUVENILE-DOMESTIC RELATIONS
COURT

1. Office of the Judge

a. Salaries

(1) Judge	\$ 12,400.00
(2) Chief Probation Officer	7,146.00
(3) 4 Probation Officers @ \$6032	24,128.00
(4) Court Clerk	4,472.00
(5) Accounting Clerk	3,750.96
(6) Clerk Stenographer II	3,510.00
(7) Clerk Stenographer I	3,510.00
(8) Court Officer	5,792.04

b. Purchase 1 posting machine, if so much be necessary	6,300.00
c. Court Expense	1,300.00

\$ 72,309.00

TOTAL: ITEM C\$ 72,309.00

Provided, that the Deputy, Juvenile-Domestic Relations Court, be deputized by the Sheriff of Richland County. *Provided*, further, that the Sheriff's office shall be relieved of the responsibility of serving any legal papers for the Juvenile-Domestic Relations Court.

ITEM D. OFFICE OF MASTER IN EQUITY

1. Salaries

(a) Master in Equity	\$ 12,400.00
(b) Assistant to Master-Court Reporter	5,520.00

(c) 2 Court Reporters @ \$4974	9,948.00
(d) Accounting Clerk	4,472.00
(e) Clerk I	3,692.00

\$ 36,032.00

TOTAL: ITEM D\$ 36,032.00

ITEM E. STANDING MASTER'S OFFICE

1. Salaries

(a) Standing Master	\$ 6,834.28
(b) Court Reporter	3,419.42

\$ 10,253.70

TOTAL: ITEM E\$ 10,253.70

Provided, that the Standing Master shall charge and turn over to the Treasurer of Richland County the same fees as charged by the Master in Equity.

ITEM F. OFFICE OF THE JUDGE OF PROBATE

1. Salaries

(a) Judge of Probate	\$ 9,805.50
(b) Probate Court Clerk	4,940.00
(c) Probate Records Clerk	3,874.00
(d) Clerk II	4,056.00
(e) Clerk II	3,874.00
2. Expenses and publications	250.00
3. Advertising	4,000.00

\$ 30,799.50

TOTAL: ITEM F\$ 30,799.50

ITEM G. OFFICE OF THE CLERK OF COURT

1. Salaries

(a) Clerk of Court	\$ 9,805.50
(b) Assistant Clerk of Court	5,460.00
(c) Court & Records Clerk	5,007.01
(d) Court & Records Clerk	4,264.00
(e) Clerk II	5,039.42
(f) Court Cashier	4,264.00

(g) Clerk II	4,264.00
(h) Clerk II	3,692.00
(i) 2 Clerk I @ \$3510	7,020.00
(j) Clerk I	3,699.91
(k) 2 Clerk I @ \$3354.00	6,708.00
(l) Photo Copy Machine Operator	4,030.14
2. Witnesses, jurors, bailiffs, Circuit Court ...	40,000.00
3. Witnesses, jurors, bailiffs, Richland County Court	30,000.00
4. Repairing Books, if so much be necessary ..	500.00
5. Purchase of supplies and equipment:	
(a) Roller shelves and files, if so much be necessary	2,000.00
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	\$135,753.98

TOTAL: ITEM G\$135,753.98

Provided, that the bailiffs and Court Crier employed for the Court of Common Pleas and General Sessions shall receive ten dollars per day. *Provided*, further, that no more than four bailiffs for each term of Common Pleas Court and no more than nine bailiffs for each term of General Sessions Court and one Court Crier be appointed for such duties. *Provided*, further, that the jury boy or girl or blind person employed for the Court of Common Pleas and General Sessions of Richland County shall receive five dollars per day. *Provided*, further, that out of the funds here appropriated for jurors and witnesses the Clerk of Court is authorized and directed to pay for the printing of the roster for the Common Pleas Court and County Court which rosters are arranged by the County Judge and Bar Association. *Provided*, that the members of the Richland County Grand Jury shall receive a per diem of \$5.00 per day such grand jury meets as a body of the whole during the year 1966-67. *Provided*,

further, that the petit jurors for the Court of Common Pleas and General Sessions of Richland County shall be paid at the rate of \$5.00 per day. *Provided*, further, however that where petit jurors in the Court of Common Pleas or General Sessions are excused for a full day, such jurors shall not be paid a per diem for such days, but if they should be required to return the next or subsequent days during the week, then and in such event the jurors shall receive mileage whenever entitled thereto in lieu of per diem payment. *Provided*, that the Senior County Judge may employ not more than three part-time bailiffs at ten dollars per day during court terms. *Provided*, further, that the petit jurors for the County Court shall be paid at the rate of \$5.00 per day served. *Provided*, further, however, that where petit jurors in the County Court are excused for a full day, such jurors shall not be paid a per diem for such days but if they should be required to return the next or subsequent days during that week, then and in such event, the jurors shall receive mileage whenever entitled thereto in lieu of the per diem payment.

ITEM H. OFFICE OF THE SOLICITOR, FIFTH JUDICIAL CIRCUIT

1. Salaries

(a) Solicitor, 5th Judicial Circuit	\$ 3,050.00
(b) Assistant Solicitor, 5th Judicial Circuit	7,160.82
(c) Assistant Solicitor for Richland County	4,767.07
(d) Special Investigator	7,160.00
	<hr/>
	\$ 22,137.89

TOTAL: ITEM H\$ 22,137.89

ITEM I. OFFICE OF THE CORONER

1. Salaries

(a) Coroner	\$ 9,437.70
2. Stenographic service, if so much be necessary	1,275.00

3. Jurors and communications expense	700.00
(b) Travel and official expense, Deputy Coroner	600.00
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	\$ 12,012.70

TOTAL: ITEM I\$ 12,012.70

Provided, that the Coroner shall call upon the county physicians to hold post mortem examinations. *Provided*, further, that the Coroner shall attest and furnish such affidavits as might be necessary to the Treasurer. *Provided*, further, that the Coroner pay each juror two dollars as a jury fee.

TOTAL: SUBSECTION II\$388,480.46

SUBSECTION III. LAW ENFORCEMENT DEPARTMENTS

ITEM A. OFFICE OF THE SHERIFF

1. Personnel

a. Salaries

(1) Sheriff	\$ 9,805.50
(2) Chief Deputy	6,700.00
(3) Lt. of Investigation & Process Server	5,510.00
(4) Process Server	5,260.00
(5) Process Server	4,766.00
(6) Lt. Uniform Men	5,260.00
(7) 4 Investigators @ \$4766	19,064.00
(8) Identification Officer	4,766.00
(9) Juvenile Officer	4,766.00
(10) 6 Sergeants @ \$4766	28,596.00
(11) 4 County Deputies @ \$4562	18,248.00
(12) 7 County Deputies @ 4350	30,450.00
(13) 14 County Deputies @ \$4150	58,100.00
(14) 2 Record Clerks @ \$3507	7,014.00
(15) Secretary	4,159.00
(16) 9 School Guards @ \$900	8,100.00

2. Supplies and Expenses

(a) Uniforms, School Guards	500.00
(b) Long distance telephone and transportation of Prisoners	3,000.00

(c) Fingerprinting and photo supplies	2,000.00
(d) Contingent Fund and Training	1,000.00
(e) Insurance, Fuel, Repairs, and Maintenance of county cars	30,000.00
(f) Uniforms, clothing and equipment	6,000.00
(g) Purchase of 13 new cars with trade-in of 13 old cars, if so much be necessary	20,500.00
(h) Radios and equipment	3,200.00
(i) Maintenance for 4 police dogs @ \$120 each	480.00
(j) 1 writ book	216.30
(k) 1 execution book	209.09
(l) 1 warrant book	168.92
(m) 2 arrest books	355.35

\$288,194.16

TOTAL: ITEM A\$288,194.16

Provided, that the Uniforms and plain clothes for the Sheriff's Department and to be used in the Law Enforcement Division shall be purchased by the Board of Administrators at such times and under such regulations as the Board may from time to time promulgate. *Provided*, that the Sheriff's office take care of necessary summonses or processes issued by the Judge of Probate. *Provided*, further, that all clothes, equipment, and supplies furnished by the Sheriff's office to the Deputies shall be returned to the Sheriff's Department immediately after such deputy shall cease to be employed by the County. *Provided*, further, that the appropriation for long distance telephone and transportation of prisoners be drawn only by proper warrants, such transportation to be used only for prisoners from beyond the borders of Richland County. *Provided*, further, that a County Deputy shall serve as one of the Court Bailiffs, if required to do so by the Sheriff without additional remuneration.

ITEM B. MAGISTRATES AND CONSTABLES

1. Blythewood Magisterial District	
a. Salaries	
(1) Magistrate	\$ 2,740.05
(2) Constable	1,956.21
b. Office rent	120.00
	<hr/>
	\$ 4,816.26
2. Columbia Magisterial District and the Check Clearing House	
a. Salaries	
(1) Magistrate and Director of Check Clearing House	\$ 5,667.84
(2) Constable	3,906.92
(3) Stenographer	4,159.54
(4) Clerk	3,465.00
(5) Assistant Clerk	3,255.00
	<hr/>
	\$ 20,454.30
3. Dutch Fork Magisterial District	
a. Salaries	
(1) Magistrate	\$ 3,901.73
(2) Constable	4,513.33
(3) Constable, school	450.00
(4) Part-time stenographer	300.00
b. Office Rent	420.00
	<hr/>
	\$ 9,585.06
4. Eastover Magisterial District	
a. Salaries	
(1) Magistrates	\$ 3,271.56
(2) Constable (one-half of Eastover-Gadsden Constable salary)	2,483.77
	<hr/>
	\$ 5,755.33
5. Gadsden Magisterial District	
a. Salaries	
(1) Magistrate	\$ 2,740.05
(2) Constable (one-half of Eastover-Gadsden Constable salary)	2,483.77
	<hr/>
	\$ 5,223.82

6. Garners Magisterial District

a. Salaries

(1) Magistrate	\$ 3,318.81
(2) Constable (one-half of Garners-Lykesland Constable salary)	2,244.15
(3) Part-time Stenographer	300.00
b. Office rent and telephone	640.00

\$ 6,502.96

7. Hopkins Magisterial District

a. Salaries

(1) Magistrate	\$ 3,941.46
(2) Constable	4,085.98
b. Office rent, lights, fuel and telephone	425.00

\$ 8,452.44

8. Killian Magisterial District

a. Salaries

(1) Magistrate	\$ 3,271.56
(2) Constable	3,618.81
(3) Part-time Stenographer	1,260.00
b. Rent, supplies and telephone	600.00

\$ 8,750.37

9. Lykesland Magisterial District

a. Salaries

(1) Magistrate	\$ 3,318.81
(2) Constable (one-half of Garners-Lykesland Constable salary)	2,244.15
b. Rent, office expense and telephone	625.00

\$ 6,187.96

10. Olympia Magisterial District

a. Salaries

(1) Magistrate	\$ 4,741.51
(2) Constable	5,799.03
(3) Stenographer	2,940.00
b. Rent and official expense	900.00

\$ 14,380.54

11. Pontiac Magisterial District

a. Salaries

(1) Magistrate	\$ 2,971.56
(2) Constable	2,971.56
(3) Part-time Stenographer	300.00
b. Office Rent	550.00

\$ 6,793.12

12. Upper Township Magisterial District

a. Salaries

(1) Magistrate	\$ 5,385.18
(2) Constable	3,966.06
(3) Part-time Stenographer	1,260.00
b. Rent and office expense	900.00

\$ 11,511.24

13. Waverly Magisterial District

a. Salaries

(1) Magistrate	\$ 4,437.93
(2) Constable	3,906.92
(3) Stenographer	2,759.46
b. Rent, office expense and telephone	1,196.50

\$ 12,300.81

14. General Magisterial Expenses

a. Uniforms for Magistrates' Constables, if so

much be necessary	\$ 900.00
b. Jurors fees, if so much be necessary	500.00

\$ 1,400.00

TOTAL: ITEM B\$122,114.21

Provided, that each Richland County Magistrate shall file with the office designated from time to time such reports and on such forms as may from time to time be prescribed by the Board of Administrators and provided that the Board shall furnish such instructions for the filing of reports to each Magistrate of Richland County in writing.

Provided, that any Magistrates' Constable to whom a uniform has been or is hereafter issued shall wear such uniform at all times when performing his official duties. *Provided*, further, that the Magistrates of Columbia, Eastover, Garners, Killian, Olympia, Hopkins, Lykesland and Waverly shall be allowed one additional Constable who shall serve without pay. *Provided*, further, that all Magistrates shall establish office hours and/or a schedule of hours for trying of cases in their respective districts setting forth the designated places and shall file a copy of such office hours and places so designated with the office of the Board of Administrators.

TOTAL: SUBSECTION III \$410,308.37

SUBSECTION IV. EDUCATION, HEALTH AND WELFARE DEPARTMENTS AND AGENCIES

ITEM A. BOARD OF EDUCATION

1. Superintendent of Education's Office

a. Salaries

(1) Superintendent of Education	\$ 4,775.50
(2) Official travel, Superintendent of Education ..	470.00
(3) Chief Clerk	4,571.24
(4) Clerk Stenographer II	3,510.00
(5) Clerk Stenographer I, salary supplement	1,301.73
b. Per diem and mileage, 7 members of the Board of Education, if so much be necessary	1,400.00
c. Workmen's Compensation Insurance	150.00
d. Office and staff expense	800.00
e. Audit of Books and Records	2,000.00

\$ 18,978.47

2. Special Services

a. Salaries

(1) Salary supplement, School Lunch Supervisor ..	\$ 3,181.78
(2) Salary supplement, Attendance Supervisor ..	4,112.98
(3) Coordinator of Instruction	6,556.80
(4) Supervisor	5,200.00

b. Rent, Utilities, Supervisor	180.00
c. Mileage supplement, Psychologists	1,200.00
	<hr/>
	\$20,431.56

TOTAL: Item A. \$ 39,410.03

Provided, however, if the State fails to pay the Superintendent of Education a portion of her salary, then such amount is hereby appropriated to bring her salary up to \$9,805.50 and no more. *Provided*, that the expenditures listed in (1) and (2) above for the office of the Superintendent of Education and for Special Services shall be paid from the fifteen-mill tax levied as an equalization fund for the several school districts and the remainder of the fifteen-mill equalization levy shall be distributed as herein directed.

Provided, that the fifteen-mill school equalization levy shall be collected by the Treasurer of Richland County and both back tax and current tax collections shall be distributed to the districts of the county on a per-pupil average daily attendance basis for the fiscal year prior to the collection.

Provided, that the Treasurer of Richland County shall transfer to the Richland County Board of Education a sum not to exceed Eighteen Thousand Nine Hundred Seventy-Eight Dollars and Forty-Seven cents, as set forth in Section (1) above, from the proceeds of the fifteen-mill tax referred to above, which sum shall be used for the purpose of paying salaries and expenses of the office of the County Superintendent of Education for the fiscal year 1966-67. *Provided*, further, that the Treasurer of Richland County shall transfer to the Richland County Board of Education a sum not to exceed Twenty Thousand Four Hundred Thirty-One Dollars and Fifty-Six cents, as set forth in Section (2) above, the

sum to be used for the purpose of paying salaries and expenses for special services of the office of the Richland County Superintendent of Education rendered to Districts 2, 5 and 6 for the fiscal year 1966-67. This sum shall be transferred from that portion of the proceeds of the fifteen-mill equalization levy apportioned to School Districts 2, 5 and 6. *Provided*, that the local school boards of trustees of School Districts 2, 5 and 6 of Richland County shall expend annually as textbook aid from the proceeds of the fifteen-mill equalization fund a sum of not less than two dollars and fifty cents per pupil officially enrolled in grades one through six inclusive.

ITEM B. DEPARTMENT OF PUBLIC WELFARE

1. Salaries	
(a) Official travel, five child welfare workers	\$ 4,000.00
2. Child Welfare Account for Clothing, Boarding Homes, etc.	2,500.00
3. Emergency welfare assistance	3,600.00
4. Janitorial service	1,226.24
5. Rent	8,400.00
6. Heat, lights, water and electricitiy	3,600.00
7. Telephone	2,000.00
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	\$ 25,326.24

TOTAL: ITEM B. \$ 25,326.24

Provided, that the Richland County Department of Public Welfare shall furnish the Juvenile-Domestic Relations Court of Richland County such aid and assistance as is available through the facilities of the department in providing for the temporary clothing, housing and maintenance of neglected or abandoned children within the jurisdiction of the court.

**ITEM C. RICHLAND COUNTY HEALTH
DEPARTMENT**

1. Salaries, supplies, equipment and other expenses	\$ 84,706.00
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2. Dog Control program	4,946.20
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	\$ 89,652.20

TOTAL: ITEM C.\$ 89,652.20

Provided, that the Richland County Health Department shall submit for approval by the Board of Administrators a schedule of fees, including vital statistics fees, charged by the department, and shall deposit monthly with the Treasurer of Richland County all fees collected by the department, the same to be credited to the general fund of Richland County. *Provided*, further, that none of the above appropriation shall be spent without the approval of the County Board of Health. *Provided*, further, that if the above amount does not equal twenty cents per capita for the county's population according to the official 1950 Federal Census, such additional amount is hereby appropriated. *Provided*, further, that the director of the County Health Department shall file with the Board of Administrators an itemization of the above appropriation on or before July 1, 1966, and the sum herein appropriated may not be expended until approval of such itemization by the Board of Administrators. *Provided*, further, that the County Health Department shall furnish all necessary dental care to county prisoners.

ITEM D. RICHLAND - LEXINGTON COUNTIES
MENTAL HEALTH CLINIC

1. Share of Budget	\$ 34,000.00
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TOTAL: ITEM D\$ 34,000.00

Provided, that the Richland-Lexington Counties Mental Health Clinic shall submit for approval by the Board of Administrators a schedule of fees charged by the Clinic, and shall deposit monthly with the Treasurer of Richland County all fees collected by the Clinic,

the same to be credited to the general fund of Richland County. *Provided*, further, that the Director of the Mental Health Clinic shall file with the Board of Administrators an itemization of the above appropriation on or before July 1, 1966, and the sum herein appropriated may not be expended until approval of such itemization by the Board of Administrators. *Provided*, that the Lexington County share of the Richland-Lexington Counties Mental Health Clinic Budget shall be at least \$7,500.00.

ITEM E. COLUMBIA HOSPITAL OF RICHLAND COUNTY

1. Inpatient Charity	\$425,000.00
2. Outpatient Charity Clinic	45,000.00

TOTAL: ITEM E. \$470,000.00

Provided, that the sum provided for inpatient charity shall be paid only upon claims of the Columbia Hospital to be presented monthly to cover expenses of charity patients who are bona fide residents of Richland County, South Carolina, and admitted by the Hospital, all of such claims to be based on a rate of \$25.00 per day per patient. *Provided*, that the County Treasurer is hereby authorized to advance the foregoing sum for inpatient charity at an amount not to exceed Thirty-Five Thousand, Four Hundred Sixteen Dollars and Sixty-Six Cents per month. *Provided*, further, that the Board of Trustees of Columbia Hospital is authorized, in conjunction with the Department of Public Welfare, to place indigent patients in nursing homes, provided that the cost of same shall be borne by the Department of Public Welfare and shall not be paid out of the amount hereinabove appropriated. *Provided*, that out of the funds herein appropriated for the Out-Patient Charity Clinic, the Board of Trustees of Columbia Hospital is authorized to employ a part-time Director of the Clinic,

and to pay the part-time director for his services such compensation as the Board may consider to be appropriate. *Provided*, that the hospital shall cooperate with the State Board of Health and work in conjunction with the County Physicians.

ITEM F. RICHLAND COUNTY PUBLIC LIBRARY

1. Supplement to one-mill levy for library purposes, if so much be necessary\$ 85,000.00

TOTAL: ITEM F.\$ 85,000.00

Provided, that the total appropriation for the Public Library shall be \$179,500.00 and, if the one-mill levy and the supplement herein provided fail to yield that amount, then such amount is hereby appropriated as will bring its total appropriation to \$179,500.00 and no more.

ITEM G. RICHLAND COUNTY TECHNICAL EDUCATION CENTER

1. County Share of Budget\$ 45,349.00

TOTAL: ITEM G.\$ 45,349.00

Provided, the contribution of the State of South Carolina to the 1966-67 budget be not less than \$320,000.00.

Provided, that the student tuition and charges for attendance shall be subject to the approval of the Board of Administrators.

ITEM H. SHELTERED WORKSHOP\$ 3,300.00

TOTAL: ITEM H.\$ 3,300.00

ITEM I. THE ASSOCIATION OF THE BLIND OF

S. C.\$ 1,000.00

TOTAL: ITEM I.\$ 1,000.00

ITEM J. TRAVELER'S AID SOCIETY\$ 600.00

TOTAL: ITEM J.\$ 600.00

ITEM K. GOOD SAMARITAN-WAVERLY HOSPITAL, if so much be necessary\$ 25,000.00

TOTAL: ITEM K.\$ 25,000.00

Provided, that this amount shall be paid only upon claims of the Good Samaritan-Waverly Hospital to be presented monthly for hospital costs, and expenses of certified charity patients, who are residents of Richland County, South Carolina, and admitted by the hospital. All of such claims are to be based on a charge of \$18.00 per day per patient.

ITEM L. COUNTY CHILD CARE

1. Carolina Children's Home\$ 10,000.00

2. Care of minor wards of Court 18,000.00

TOTAL: ITEM L.\$ 28,000.00

ITEM M. HISTORIC PRESERVATION COMMISSION\$ 10,000.00

TOTAL: ITEM M.\$ 10,000.00

ITEM N. COLUMBIA MUSEUM OF ART\$ 38,000.00

TOTAL: ITEM N.\$ 38,000.00

ITEM O. ECONOMIC OPPORTUNITY COMMISSION\$ 1,500.00

TOTAL: ITEM O.\$ 1,500.00

ITEM P. AMBULANCE SERVICE\$ 6,000.00

TOTAL: ITEM P.\$ 6,000.00

Provided, that the above amount shall be paid at the rate of \$500.00 per month upon presentation by Ambulance Service of Columbia, Inc., to the Richland County Treasurer's Office of unpaid bills for ambulance service to bona fide residents of Richland County who, at the time of service rendered, shall have resided outside the City Limits of Columbia and provided, further, that the City of Columbia shall pay at

least an equal amount. In the event the City of Columbia shall reduce its appropriation for this purpose, the appropriation set forth above shall be decreased accordingly.

TOTAL: SUBSECTION IV. \$902,137.47

SUBSECTION V. MISCELLANEOUS DEPART-
MENTS

ITEM A. ASSESSMENT

1. Board of Assessment Control \$ 95,391.00
2. Board of Assessment Appeals, if so much be
necessary 2,925.00

TOTAL: ITEM A. \$ 98,316.00

Provided, that the members of the Richland County Board of Assessment Appeals shall receive \$12.50 per day each, and each shall be paid direct by the Supervisor, upon properly executed vouchers presented based upon work actually performed.

Provided, that School District No. 1 shall pay to the General Fund of Richland County its proportionate share of the cost of operation of the office of the Board of Assessment Control, however, not to exceed \$20,000.00.

ITEM B. BOARD OF REGISTRATION

1. Per diem for Board members, if so much be
necessary \$ 7,000.00

TOTAL: ITEM B \$ 7,000.00

Provided, that the Chairman of the Board of Registration shall be paid at the rate of \$15.00 per day actually served, and the members of the Board of Registration and Assistants shall be paid at the rate of \$12.50 per day actually served.

ITEM C. COOPERATIVE EXTENSION SERVICE
OF CLEMSON UNIVERSITY

1. Salaries
 - (a) County Agent \$ 2,048.72
 - (b) Three Assistant County Agents @ \$720.00 . . 2,160.00

(c) Stenographer, County Agent	1,535.94
(d) Home Demonstration Agent	1,028.41
(e) Associate Home Demonstration Agent	720.00
(f) Assistant Home Demonstration Agent	600.00
(g) Stenographer, Home Demonstration Agent ..	1,182.00
(h) Stenographer, Assistant County Agent	2,100.00
2. Demonstration Materials, Home Agents	200.00
3. Demonstration Materials, County Agent	200.00
4. Boys' and Girls' 4-H Work	600.00
5. Long Distance Telephone, County Agent, and Home Agent	250.00

TOTAL: ITEM C\$ 12,625.07

ITEM D. COUNTY FORESTRY BOARD

1. Salary supplement, County Ranger	\$ 1,098.70
2. Purchase of truck, with trade-in	1,500.00
3. Maintenance and operation of county-owned vehicles	1,800.00

TOTAL: ITEM D.\$ 4,398.70

Provided, that the amount appropriated for maintenance and operation shall be expended on a basis of \$30.00 per month per county-owned vehicle, if so much be necessary.

ITEM E. COLUMBIA TOWNSHIP AUDITORIUM

1. Annual installment payment on heating and air conditioning equipment	\$ 10,000.00
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TOTAL: ITEM E.\$ 10,000.00

ITEM F. OFFICE OF THE ADJUTANT GENERAL

1. Support of National Guard units in Richland County	\$ 6,500.00
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TOTAL: ITEM F.\$ 6,500.00

Provided, that such sum shall be allocated to the National Guard units in Richland County not on active duty.

ITEM G. RICHLAND-LEXINGTON JOINT PLAN-
NING COMMISSION

.....\$ 3,934.11

TOTAL: ITEM G.\$ 3,934.11

Provided, that the City of Columbia shall appropriate at least \$3,934.11 and provided, further, that Lexington County shall appropriate at least \$3,934.11. In the event the City of Columbia and Lexington County appropriate a lesser amount, the amount provided above shall be reduced accordingly so that it will not exceed the lower amount appropriated by either the City of Columbia or Lexington County.

ITEM H. RICHLAND COUNTY-CITY OF COLUMBIA CIVIL DEFENSE AGENCY

1. County Share of Budget\$ 7,875.00

TOTAL: ITEM H.\$ 7,875.00

Provided, a like amount be contributed in cash by the City of Columbia.

ITEM I. RICHLAND COUNTY PLANNING

BOARD\$ 15,000.00

TOTAL: ITEM I.\$ 15,000.00

Provided, that the Richland County Planning Board shall file with the Board of Administrators an itemization of the above appropriation on or before July 1, 1966, and the sum herein appropriated may not be expended unless approved by the Board of Administrators; or if such itemization cannot be filed, no expenditure shall be made or authorized until approved by the Board of Administrators. *Provided*, further, that one member of the Richland County Board of Administrators, designated by the Chairman of the Board, shall sit as "ex officio" member without vote on the Richland County Planning Board.

ITEM J. THE HEARING AND SPEECH

CENTER\$ 5,000.00

TOTAL: ITEM J.\$ 5,000.00

ITEM K. U. S. O.\$ 6,502.00

TOTAL: ITEM K.\$ 6,502.00

ITEM L. CAROLINA CARRILLON	\$ 2,000.00
TOTAL: ITEM L.	\$ 2,000.00
<i>Provided</i> , that a like amount be contributed in cash by the City of Columbia, and, in the event a lesser amount is contributed by the City of Columbia, the contribution by Richland County shall be reduced to equal the amount contributed by the City.	
ITEM M. SOCIETY FOR PREVENTION OF CRUELTY TO ANIMALS	\$ 1,000.00
TOTAL: ITEM M.	\$ 1,000.00
ITEM N. INDUSTRIAL DEVELOPMENT COMMISSION of the Greater Columbia Chamber of Commerce, if so much be necessary	\$ 15,000.00
TOTAL: ITEM N.	\$ 15,000.00
<i>Provided</i> , the City of Columbia and the Greater Columbia Chamber of Commerce each contributes a like amount of the budget of the Commission.	
ITEM O. RICHLAND SOIL CONSERVATION DISTRICT	\$ 1,400.00
TOTAL: ITEM O.	\$ 1,400.00
ITEM P. FUTURE FARMERS OF AMERICA	\$ 300.00
TOTAL: ITEM P.	\$ 300.00
ITEM Q. COLUMBIA MUSIC FESTIVAL	\$ 1,500.00
TOTAL: ITEM Q.	\$ 1,500.00
TOTAL: SUBSECTION V.	\$198,350.88
TOTAL: SECTION TWO	\$3,192,041.28
LESS: BOARD OF EDUCATION	\$ 39,410.03
TOTAL: ORDINARY COUNTY PURPOSES	\$3,152,631.25

SECTION 3. Overdrawing of Appropriations. No office, agency or department of Richland County shall in any way create a debt in excess of or overdraw the specific appropriation made herein for such office, agency or department, unless the same shall have been first approved by the Board of Administrators and a specific appropriation made therefor by the Board. It shall also be the duty of every office, agency and department of Richland County to ascertain, at least quarterly, from the Office of the Board of Administrators, the status of its appropriations and to maintain sufficient and adequate records and controls to the end that ordinary expenditures shall not exceed the amounts appropriated by this act. If any office, agency or department of Richland County shall overdraw its appropriation in violation of this section, the amount of such overdraft shall be deducted from the compensation provided for the administrative head of such office, agency, or department, unless such payment to Richland County be waived by the Board of Administrators for good cause shown.

SECTION 4. Unexpended Appropriations. All appropriations made herein are made subject to the right and authority of the Board of Administrators to alter, modify, change, increase, or decrease any unexpended and unpledged portion of any appropriations where in the judgment of the Board, such alteration, modification, change, increase or decrease shall be necessary in the best interests of Richland County or shall be required to conform with the revenue anticipated or received during the life of this act. No such action may be taken by the Board of Administrators except in the course of a duly called public meeting, after due notice to the head of any office, department or agency affected thereby.

SECTION 5. Unappropriated and Unpledged Funds. Any unappropriated and unpledged surplus funds in the hands of the Treasurer of Richland County are held by the Treasurer subject to the right and authority of the Board of Administrators to pledge, appropriate and obligate such surplus funds where, in their judgment, such pledge, appropriation, or obligation is necessary in the best interests of Richland County. No such action shall be taken except in the course of a duly called public meeting of the Richland County Board of Administrators after due notice to the County Treasurer. The notice shall request the opinion of the Treasurer as to the effect of the action proposed upon the revenues available to meet the appropriations made in this act.

SECTION 6. Purchasing by County Agencies. All supplies, services, implements, and equipment of whatever kind or nature to be purchased by any office, agency or department of Richland County, and any property of whatever kind or nature of any office, agency, or department of Richland County to be sold shall be purchased or sold by the Board of Administrators upon such rules and regulations as the Board may from time to time promulgate to the end that, wherever possible, supplies, services, implements, and equipment shall be purchased or sold upon competitive bid, that county purchasing shall be consolidated and let for bid upon a regular periodic basis, and that a uniform central method of purchasing shall be established for Richland County. No bill, account, or claim against Richland County for any supplies, services, implement, or equipment shall be paid unless the same shall have been contracted for and purchased by the Board of Administrators pursuant to its published regulations; and further, any goods or services contracted in the name of Richland County or any department or office of the County in manner other than that prescribed by the Board of Administrators shall be paid from the compensation provided for the Administrative Head of such Department, Office, or Agency, unless this requirement be waived by the Board of Administrators for good cause shown.

SECTION 7. Purchasing by Jointly Supported Agencies. In order that all purchases of services, supplies, implements, and equipment from funds appropriated in this act be made in accordance with an established purchasing procedure, the appropriation made herein for any agency supported in part by Richland County and in part by any other governmental entity shall be expended for the purchase of services, supplies, implements and equipment only in one of the following methods:

(1) By the Board of Administrators upon such rules and regulations as the Board may from time to time promulgate;

(2) By any other participating governmental entity upon such rules and regulations as that governmental entity may from time to time establish for its own purchasing;

(3) By the jointly supported agency itself pursuant to uniform rules, regulations and procedures established in advance by the agency and approved by the Board of Administrators; and further Provided that each jointly supported agency shall, on or before July 1, 1966, notify the office of the Board of Administrators which of these three methods will be used by it in the purchase of its services, supplies, implements and equipment.

SECTION 8. Salaries of Employees. Unless otherwise specifically provided in this act, all salaries herein appropriated shall be paid in bi-weekly installments and the salary or other compensation provided for any officer or employee of any department, board, or agency of Richland County is provided and appropriated for the compensation of the individual presently employed, and, in the event of a vacancy in any position for which compensation is provided in this act, no salary or other compensation may be paid to any new officer or employee of Richland County until such salary or compensation has first been fixed by the Board of Administrators, the authority to be exercised by the Board of Administrators to the end that a more uniform system of compensation for all officers and employees of Richland County may be established.

SECTION 9. Travel and Official Expense. Unless otherwise specifically provided in this act, the salaries of any officer or employee of Richland County includes compensation for any travel or other official expense necessarily incurred in the performance of the duties and responsibilities of such officer or employee, and no additional compensation shall be paid for travel or official expenses. Any extraordinary or unanticipated travel or official expenses may be provided by the Board of Administrators established by this act upon application in advance to the Board.

SECTION 10. Payment of Lump Sum Appropriations. Unless otherwise specifically provided in this act, payment of any unitemized or lump sum appropriation shall accrue and be paid monthly upon proper application therefor to the Office of the Supervisor of Richland County. The requirements of this section may be waived, changed, or amended by the Board of Administrators where, in its judgment, the same shall be consistent with the purposes of this act, and in the best interests of Richland County.

SECTION 11. Payment to Columbia Hospital. The Treasurer of Richland County is hereby authorized and directed to turn over and deliver to the Board of Trustees of the Columbia Hospital of Richland County all operating funds legally due and in the control and possession of the Treasurer of Richland County for the hospital; and the Board of Trustees of Columbia Hospital of Richland County is hereby authorized and empowered to receipt for and deposit same and deposit all future operating receipts and revenues to its own account or accounts in a bank or banks in the City of Columbia,

South Carolina, and disburse same by checks issued by the duly authorized officer or employee of the hospital.

SECTION 12. Payment to Delegation office. The office of the Supervisor of Richland County is hereby authorized and directed to turn over to the secretary of the Legislative Delegation sufficient moneys from the amount appropriated herein to pay the cost of supplies and official legislative expense. The secretary to the Delegation shall deposit same in a bank to be expended upon approval of the Senator and at least half of the members of the House of Representatives of Richland County.

SECTION 13. Payment to School Districts. Nothing in this section contained shall apply to School District No. 1 of Richland County. In the payment of expenses incurred in all other school districts of the county a separate warrant or order, directed to the County Treasurer, signed by a majority of the Board of Trustees of the disbursing district, shall be issued direct to each payee in strict conformity with the general school law of South Carolina; *Provided*, nevertheless, as follows:

In order to facilitate and expedite the payment of salaries of personnel in all categories regularly employed for a scholastic or calendar year, also for the payment of separate bills, amounting to less than one hundred dollars for special services or school materials properly payable from school operation and maintenance funds, it shall be lawful for a Board of Trustees to issue a consolidated or "master" warrant on the County Treasurer in the aggregate amount of all or any portion of the aforesaid salaries and bills due and payable in the current "school" or calendar month, such master warrant to be payable to the school district in the name of its previously designated disbursing agent, preferably the school district superintendent, though any other full-time, adult employee of the district shall be eligible. Each master warrant shall have on its face or back, or on a sheet securely attached thereto, a complete list of all ultimate payees with the amount due to each plainly set forth; and, except for salaries aforesaid, there shall also be securely attached a separately printed or written, fully itemized statement from each ultimate payee showing the amount and nature of the services rendered or supplies furnished. The Richland County Board of Education may (by standing resolution embodying such restrictions as it may impose) authorize the County Superintendent of Education, in his discretion, to

process all such master warrants for payment without prior reference to the County Board. The processed master warrant shall be deposited by the district's disbursing agent in a separate account in a Columbia F.D.I.C. bank to the credit of the school district and by such agent disbursed by check to the several payees named on the list aforementioned. All disbursing agents shall keep a neat and permanent record of all their transactions as such agents on uniform record and voucher prescribed by and furnished through the County Board aforesaid, and these records shall be available to the public for inspection at all reasonable times. The County Superintendent of Education shall require all disbursing agents at the proper time to submit their records and vouchers to the auditors employed to make the annual audits of the Richland County records and such auditors shall check and verify same as an integral portion of the county school accounts. Each disbursing agent shall furnish the district at its expense a fidelity bond in the penal sum of not less than five thousand dollars, or as much more as the district Board of Trustees may deem advisable.

The conditions set forth in the foregoing proviso of this section are joint and not severable and the proviso, in its entirety, is to be construed as an optional alternate procedure in paying salaries of whatever amount and separate bills, regardless of number, amounting to less than one hundred dollars each.

SECTION 14. Annual Audit of School Districts. The Board of Trustees of School District No. 1 shall file a copy of the annual audit of this school district in the office of the Clerk of Court within ten days from the completion thereof, for the benefit of the public.

SECTION 15. Annual Audit of Non-County Agencies. All non-county agencies which receive any part of their income from Richland County are hereby required to have an annual audit made at the end of their fiscal year and to file a copy thereof with the Richland County Delegation and the Board of Administrators within ten days after the completion thereof.

Upon failure to file such reports as herein provided for, the Treasurer of Richland County is hereby directed to withhold further payments to such organization until such audit is filed.

SECTION 16. Revenue in Excess of Appropriations. Except as is otherwise specifically provided, all revenue accruing to Richland County from any source whatever in excess of the amount necessary

to pay the appropriations made under the terms of this act shall be allocated to the general fund of Richland County.

SECTION 17. Office Hours. The Richland County Courthouse and all other offices, agencies, and departments shall open not later than the hour prescribed from time to time by the Board of Administrators and shall close not sooner than the hour prescribed by the Board of Administrators Monday through Friday of each week. Except in special instances, all of the offices, agencies, and departments of Richland County may close on Saturday of each week.

Notwithstanding any other provision of law, the Richland County Courthouse and all other agencies, offices, and departments of Richland County shall be closed in observance of the holidays established by the Board of Administrators. The Board of Administrators may authorize the closing of the Richland County Courthouse or any of the offices, agencies, or departments of Richland County for such days or parts of days as the Board may from time to time consider to be appropriate.

The work week for all employees of Richland County shall be such office hours as may be from time to time prescribed by the Board of Administrators and payment for overtime shall be made only by approval of the Board of Administrators.

SECTION 18. Twenty-five Year Tenure. Any employee who shall have tenure of twenty-five years or more in Richland County shall receive an additional sixty-five dollars per year, prorated on a monthly basis, over and above the salary provided in this act.

SECTION 19. Marking of County Vehicles. All agencies, departments or offices of Richland County or agencies receiving appropriations from Richland County under the terms of this section shall report to the Board of Administrators annually on or before July 15 of each year all automobiles, station wagons, trucks, construction equipment and other vehicles owned by the County and in possession of that office, department or agency. All such vehicles shall be clearly and distinctly marked or painted with the name of Richland County and/or other appropriate designation as may be approved by the Board of Administrators, the size, language and location of same shall be as prescribed or approved by the Board of Administrators. The requirements of this section may be waived by the Board of Administrators where, in the opinion of the Board, the

public interest may more appropriately be served by the use of unmarked vehicles.

SECTION 20. Payment of Fees. The Treasurer of Richland County is authorized to designate an employee or employees in any office, agency, or department of Richland County, where the fees charged by such department are presently paid directly to the Treasurer, as a Deputy Treasurer to collect the fees and remit the same to the County Treasurer to the end that all fees may be paid and collected in the office, agency, or department where the service is performed. The fees shall be collected, receipted for, and remitted, pursuant to regulations prescribed and/or approved by the Board of Administrators. Employees in any department collecting fees shall be bonded.

SECTION 21. Compliance with Act. The appropriations made in this act are conditioned upon the compliance by any department, office, agency or organization receiving such appropriation with all of the terms and provisions of this act or of any other act pertaining to such department, office, agency or organization. The Board of Administrators may withhold payment of any appropriation made in this act from any department, office, agency, or organization found by the Board to be operating in violation of this section.

SECTION 22. Invalidity of Part of Act. If any section, paragraph, item or provision of this act shall be held invalid by a court of competent jurisdiction, such invalidity held shall not affect, impair or invalidate any remaining section, paragraph, item, or provision of this act.

End of Part I

PART II

Permanent Provisions

SECTION 1

It is hereby declared to be the intent of the General Assembly that the following sections shall constitute a part of the permanent laws of the State of South Carolina, and the Code Commissioner is hereby directed to include same in the next edition of the Code of Laws of South Carolina and all supplements to the Code.

SECTION 2

Section 27-94 of the 1962 Code, as amended, is further amended to read as follows:

"Section 27-94. The fees and commissions of the clerk of the circuit court of Richland County shall be as set forth in this section, except that if the fee for any service is not set forth in this section, then such fee shall be as provided by general law, (a) for recording renunciations of dower, as separate instruments, affidavits, satisfactions and assignments of mortgages, one dollar for the first three pages and fifty cents for each page thereafter; (b) for recording releases, subordinations, and postponements of mortgages, two dollars for the first three pages and fifty cents for each page thereafter; (c) for the recording of any other instrument in the books of deeds and mortgages, three dollars for the first three pages and fifty cents for each page thereafter; (d) for the recording of plats, average size, two dollars, large size, five dollars; (e) for the recording of lis pendens, mechanics' liens, birth certificates and licenses, two dollars, for furnishing copies of birth certificates, one dollar; (f) for the recording of chattel mortgages, conditional sales contracts, bailment agreements, notice of assignment of accounts receivable, transfer agreements, and lease purchasing agreements, two dollars for the first three pages, and fifty cents for each page thereafter; (g) for the recording of extensions, releases, satisfactions and assignments of chattel mortgages and conditional sales contracts, one dollar; and for any other recording in the chattel records or index, two dollars for the first three pages and fifty cents for each page thereafter; (h) for recording charters and amendments to charters, three dollars; (i) for recording notary certificates, two dollars; (j) for the filing and docketing of any civil action in the court of common pleas or the Richland County Court, and all filing subsequent thereto by the plaintiff, five dollars, except that where the money judgment sought in the Richland County Court does not exceed five hundred dollars, the fee shall be three dollars; (k) for the filing of the first responsive pleading by the defendant, and all filing subsequent thereto by the defendant, five dollars, except that where the money judgment sought by the plaintiff and any counterclaim asserted by the defendant in the Richland County Court does not exceed five hundred dollars, the fee shall be three dollars; (l) for entering, recording, or enrolling a judgment in any default matter, five dollars, except that where the money judgment sought in the Richland County Court does not

exceed five hundred dollars, the fee shall be three dollars; (m) for any pleading not filed within the time prescribed by Section 10-470, Code of Laws of South Carolina, 1962, two dollars in addition to any other fee prescribed herein.”

End of Part II

This act shall take effect upon approval by the Governor.

Approved the 13th day of June, 1966.

(R1433, H2743)

No. 1389

An Act To Authorize The School Commissioners Of School District No. 1 Of Richland County To Issue Not Exceeding One Million Nine Hundred Thousand Dollars Of General Obligation Bonds, To Prescribe The Conditions Under Which The Bonds May Be Issued And The Purposes For Which Their Proceeds May Be Expended, And To Make Provision For The Payment Of The Bonds.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Findings of General Assembly.—The General Assembly finds that School District No. 1 of Richland County has a need for further school facilities in order to accommodate the increasing number of pupils attending the public school system in the school district. It has therefore determined to authorize the School Commissioners of School District No. 1 of Richland County to effect the acquisition of further school facilities through the constructing and equipping of buildings and the renovation and improvement of existing buildings to the extent of one million nine hundred thousand dollars.

SECTION 2. School facilities to be acquired.—The commissioners are hereby empowered to acquire such further school facilities as may be procured with the proceeds of the bonds and through such other funds available to the commissioners and, to that end, they are empowered to construct and equip new school buildings, to improve, enlarge and re-equip existing school buildings, and to acquire such land as may be needed therefor.

SECTION 3. May issue bonds.—In order to obtain funds for the purposes above set forth, the commissioners are hereby authorized to

issue not exceeding one million nine hundred thousand dollars of general obligation bonds of School District No. 1 of Richland County. The proceeds derived from the sale of the bonds shall be paid to the treasurer of the school district and shall be deposited in a Bond Account Fund for School District No. 1 of Richland County, and shall be expended and made use of by the commissioners as follows:

(a) Any accrued interest shall be applied to the payment of the first instalment of interest to become due on such bonds.

(b) Any premium shall be applied to the payment of the first instalment of principal of such bonds.

(c) The remaining proceeds shall be used to defray the cost of issuing the bonds and to acquire further school facilities as provided herein. Pending the expenditure of the proceeds of the bonds, their proceeds may be invested and reinvested upon the order of the commissioners in direct obligations of the United States having a stated maturity of not exceeding one year. All income so realized shall be added to and utilized for school facilities authorized by Section 2 of this act.

The sums received pursuant to subparagraphs (a) and (b) shall, as soon as practicable, be delivered to the Treasurer of School District No. 1 of Richland County, with appropriate instructions as to their respective uses.

SECTION 4. Issue.—The bonds may be issued as a single issue, or from time to time as several separate issues, in the discretion of the commissioners; *provided*, that no bonds authorized by this act shall be issued later than three years after the effective date of this act. All bonds shall mature serially in successive annual instalments of such amounts as may be determined by the commissioners, except that the maturity date of the last instalment of any bonds issued hereunder shall fall due not later than twenty-five years from the date such bonds bear, and the first maturity date may be postponed not more than three years from the date the bonds bear. Any bond issued pursuant to this act may, at the discretion of the commissioners, contain a provision permitting its redemption prior to its stated maturity at such redemption premium as the commissioners shall determine. The bonds shall be in such denominations and shall bear interest in such manner as shall be determined by the commissioners, but the average rate of interest for any bonds sold pursuant to the authorizations of this act shall not exceed four per cent. The bonds may be issued with

the privilege to the holder of having them registered as to principal on the books of the Treasurer of School District No. 1 of Richland County, and the principal thus made payable to the registered holder (unless the last registered transfer shall have been to bearer), upon such conditions as the commissioners may prescribe. They shall bear such dates and be payable at such places as the commissioners may likewise prescribe.

SECTION 5. Execution.—The bonds and the interest coupons thereto attached shall be executed in such manner as the commissioners shall prescribe.

SECTION 6. Sale.—The bonds shall be sold by the commissioners at not less than par and accrued interest to the date of their respective deliveries, at public sale, and at least ten days prior to any sale, notice, announcing the intention to receive bids for the sale of any bonds authorized by this act, shall be published in a newspaper of general circulation in the State of South Carolina.

SECTION 7. Exempt from taxes.—The bonds and all interest to become due thereon shall have the tax-exempt status as prescribed by Section 65-4.1 of the Code of 1962.

SECTION 8. Payment.—For the payment of the principal and interest of the bonds, as the same respectively mature, and for the creation of such sinking fund as may be necessary therefor, the full faith, credit and taxing power of School District No. 1 of Richland County shall be irrevocably pledged and there shall be levied annually by the Auditor of Richland County, and collected by the Treasurer of Richland County, in the same manner as county taxes are levied and collected, a tax without limit, on all taxable property in the school district, sufficient to pay the principal and interest of the bonds as they respectively mature, and to create such sinking fund as may be necessary therefor.

SECTION 9. Meetings of commission—action may be taken.—Any action required by the commissioners may be taken at any meeting of the commissioners, regular or special, and at such meeting a majority of the members of the commission shall constitute a quorum for the purpose of adopting a resolution making provision for the issuance of the bonds, awarding the sale of the bonds, or taking any other action permitted or required of the commissioners by the provisions of this act.

SECTION 10. School District No. 1 Richland County—may issue bonds.—The authority granted by this act to issue bonds shall apply to School District No. 1 of Richland County as it is constituted on the effective date of this act or as it may be constituted when the bonds authorized by this act are issued.

SECTION 11. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 8th day of June, 1966.

(R897, S604)

No. 1390

An Act To Amend Act No. 701 Of 1965, Relating To The Borrowing Of Money By The County Board Of Commissioners Of Saluda County For County Purposes, So As To Increase Such Amount, And To Increase The Time For Payment.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 1 of Act 701 of 1965 amended—increase amount of money borrowed and time of payment—Saluda County.—Section 1 of Act No. 701 of 1965 is amended by striking “one hundred fifty” on line five and inserting in lieu thereof “two hundred thirty-seven” and by striking “twelve” on line nine and inserting in lieu thereof “fourteen” so that, when so amended, Section 1 shall read :

“Section 1. The County Board of Commissioners of Saluda County is hereby authorized to borrow from the Division of General Services of the State Budget and Control Board or any other source for general county purposes not exceeding two hundred thirty-seven thousand dollars. The indebtedness shall be evidenced by notes signed by the chairman of the board and the county treasurer. The indebtedness shall be repaid upon such terms as the borrower and lender may agree, not to exceed fourteen years or to exceed four per cent interest. For the payment of the indebtedness, the full faith, credit and taxing power of the county are irrevocably pledged and the county auditor and county treasurer are directed to levy and collect annually a sufficient sum to pay the principal and interest thereon.

Should the monies be borrowed from the Division of General Services and should there be default in any payment, the State

Treasurer is directed to withhold any funds accruing to the county and to transmit them to the Division of General Services."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 24th day of March, 1966.

(R1120, H2519)

No. 1391

An Act To Create The Saluda County Nursing Home Board And To Authorize The Building Of A Nursing Home; To Prescribe The Duties And Responsibilities Of The Board; To Authorize The Board To Borrow Not To Exceed The Sum Of One Hundred Thirty-Three Thousand Dollars For The Purpose Of Constructing And Equipping The Home; And To Provide For The Payment Thereof.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Saluda County Nursing Home Board created.—There is hereby created the Saluda County Nursing Home Board, which shall consist of five members to be appointed by the Governor upon the recommendation of the county legislative delegation. The terms of office of the members shall be for three years, except that of those first appointed three shall be for three years, and two shall be for two years.

The board shall meet as soon as practicable after appointment and shall elect one of its members as chairman and one as secretary. Thereafter the board shall meet on the call of the chairman or a majority of its members.

SECTION 2. Board may build nursing home.—The nursing home board is authorized to build and equip a nursing home of suitable size and design in order to meet the foreseeable needs of the county, and is authorized to employ such administrative, clerical, nursing and other help as may be necessary to properly operate the home. In planning for construction, the board is authorized to employ such architectural, engineering and other technical assistants as may be necessary, and shall consult with the county delegation and such county officials as may be desirable in order to present to the county nursing facilities which will serve the people in an ever expanding

economy for years to come without the need of expensive extensions and additions.

SECTION 3. Board may accept gifts and grants.—The nursing home board is authorized to accept any gifts, bequests or grants, either from the Federal, State, county or municipal governments, or from foundations or private individuals, with particular attention to such funds as may be available under the terms of the Hill-Burton Act.

SECTION 4. Operational fund.—The nursing home board shall operate the nursing home with such funds as may be provided by the General Assembly, in addition to any funds received from sources provided for by Section 3 of this act.

SECTION 5. May borrow money.—The nursing home board is hereby authorized to borrow not to exceed the sum of one hundred thirty-three thousand dollars for the purpose of defraying the cost of planning for the nursing home, constructing and equipping, and for incidental expenses incurred in the initial stages of operation. The money may be borrowed from any lending agency at such a rate of interest as may be mutually agreed upon by the board and the lender, not to exceed four per cent. The loan shall be evidenced by notes signed by the chairman of the nursing home board and the Treasurer of Saluda County, shall be payable in equal annual installments extending over a period of not more than fourteen years from the date of the notes, and shall reserve the right to anticipate payment without penalty.

In order to provide for the payment of the loan and the interest thereon, the auditor shall levy and the treasurer shall collect an annual tax on all of the taxable property of the county sufficient to pay each instalment, with interest, as it becomes due. The board is authorized to anticipate payment of any note on any interest bearing date.

In order to secure payment of the notes provided by this section, the full faith, credit and taxing power of Saluda County shall be irrevocably pledged.

SECTION 6. Temporary loans.—The nursing home board is authorized to borrow on temporary loans such sums as may be needed immediately. Any such sum may be borrowed, not to exceed the sum authorized by this act, by notes for short periods of time, signed and executed in the same manner as provided in Section 5 of this act.

SECTION 7. Members—compensation.—The members of the board shall receive such compensation as may be provided in the annual Saluda County appropriations act.

SECTION 8. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 4th day of May, 1966.

(R1195, H2322)

No. 1392

An Act To Authorize The Board Of Trustees Of Ridge Spring School District In Saluda County To Borrow Not Exceeding One Hundred Seventy-five Thousand Dollars For Constructing Needed School Facilities.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Ridge Spring School District, Saluda County, may borrow money.—The Board of Trustees of Ridge Spring School District in Saluda County is authorized to borrow not exceeding one hundred seventy-five thousand dollars from the Division of General Services of the State Budget and Control Board for constructing needed school facilities. The indebtedness shall be evidenced by a note signed by the chairman of the board of trustees after resolution has been passed by a majority of the members of the board. The note shall be payable in five equal annual installments with interest thereon not to exceed four per cent per annum.

For the payment of the principal and interest of the note, the full faith, credit and taxing power of Saluda County are irrevocably pledged.

Should there be default in any payment of the indebtedness authorized hereby, the State Treasurer shall withhold any funds accruing to the school district and transmit them to the Division of General Services.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 10th day of May, 1966.

(R1309, S801)

No. 1393

A Joint Resolution Proposing An Amendment To Section 5 Of Article X Of The Constitution Of This State, Limiting The Bonded Indebtedness Of Political Subdivisions, So As To Permit Saluda County To Increase Its Bonded Indebtedness From Eight Per Cent To An Amount Not Exceeding Fifteen Per Cent Of The Assessed Value Of All Taxable Property Within The County.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Amendment to Article X, Section 5, State Constitution, proposed—bonded indebtedness—Saluda County.—It is proposed that Section 5 of Article X of the Constitution of this State be amended by adding at the end of the section the following:

“() *Provided*, further, That the limitations as to bonded indebtedness imposed by this section shall not apply to Saluda County, and that the county may incur bonded indebtedness to an amount not exceeding fifteen per cent of the assessed value of taxable property therein.”

SECTION 2. Submission to electors.—The proposed amendment shall be submitted to the qualified electors at the next general election for representatives. Ballots shall be provided at the various voting precincts with the following words printed thereon: “Shall Section 5 of Article X of the Constitution of this State be amended so as to permit Saluda County to increase its bonded indebtedness from eight per cent to an amount not exceeding fifteen per cent of the assessed value of all taxable property therein?”

In favor of the amendment ☐

Opposed to the amendment ☐

Those voting in favor of the amendment shall deposit a ballot with a check or cross mark in the square after the words ‘In favor of the amendment’, and those voting against the amendment shall deposit a ballot with a check or cross mark in the square after the words ‘Opposed to the amendment’.”

Ratified the 20th day of May, 1966.

(R1422, H2719)

No. 1394

An Act To Provide For The Levy Of Taxes For Saluda County For School And County Purposes For The Fiscal Year Beginning July 1, 1966; To Provide For The Expenditure Thereof; And To Provide For Other County Purposes.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. A tax of . . . mills as is necessary to raise the amount of money hereinafter appropriated is hereby levied on all taxable property in Saluda County for school and county purposes for the fiscal year July 1, 1966, to June 30, 1967, for the amounts and purposes hereinafter mentioned:

Item 1. (a) Roads and Bridges:

Maintenance of roads and bridges, tractor force
and convicts, and purchase of concrete pipe . . . \$ 50,000.00

(b) Miscellaneous expenses 975.00

Any balance that might be in Item 1 at the end
of the fiscal year (June 30, 1966) shall be trans-
ferred to Item 1 for the new fiscal year 1966-
1967, and shall be in addition to the amount set
forth in Item 1.

Total, Item 1 \$ 50,975.00

Item 2. Salaries, payable monthly:

Clerk of Court \$ 1,325.00

Treasurer (County's part) 1,000.00

Auditor (County's part) 1,000.00

Chairman, Board of Commissioners, for full
time 5,200.00

Travel expense 1,600.00

Telephone expense, Chief Commissioner 150.00

The Chairman of the Board of Commissioners,
in connection with his employment as such, shall
be furnished gasoline from the pumps located
at the County Home for official business.

Two County Commissioners @ \$500.00 each, 1,000.00

and expenses @ \$500.00 each 1,000.00

Clerk of Board 3,600.00

Superintendent of Education, salary 650.00

Travel expense	900.00
Judge of Probate	3,250.00
<i>Provided</i> , that the Judge of Probate shall receive in addition to the above all fees collected by him for the issuance of marriage licenses. The fee for each such application and marriage license issued by him shall be \$2.50.	
Magistrate at Courthouse	2,025.00
Constable at Courthouse	1,300.00
Magistrate at Ridge Spring	1,150.00
Constable at Ridge Spring, to be deputized by Sheriff, at Sheriff's discretion	700.00
Two Magistrates @ \$575.00 each	1,150.00
Two Constables to Magistrates @ \$300.00 each	600.00
Coroner and his Deputy	700.00
Clerical help, \$10.00 for each case	120.00
Travel expense	600.00
Janitor, full time at Courthouse, Jail, Agricultural Building and grounds at \$170.00 per month	2,040.00
County Attorney	300.00
County Physician	480.00
<i>Provided</i> , that the County Physician shall act as one of the examining physicians in each lunacy case and assist in all post mortems, without extra compensation.	
Clerical help for Clerk of Court's office	3,600.00
Asst. help for Clerk of Court's Office	2,246.40
<i>Provided</i> , that such help shall be employed by the Clerk of Court.	
Treasurer's expenses	300.00
Auditor's expenses	460.00
Clerk of Court's expenses	675.00
Rental of Xerox machine, Clerk of Court's office	270.00
Sheriff	3,950.00
Sheriff's expenses	1,600.00
Telephone expenses for Sheriff	150.00
<i>Provided</i> , that the Sheriff and his family shall occupy the living quarters of the jail and shall have full use of the county property therein, including the payment for lights and water.	

Provided, further, that the Sheriff shall receive in addition to the above all fees collected in his office.

Two Deputy Sheriffs (to be appointed by the Governor, upon the recommendation of the Sheriff and a majority of the delegation):

Deputy Sheriff, living at Saluda	4,800.00
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Deputy Sheriff, living at Ward:

Salary	3,200.00
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Expenses	1,600.00
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Sheriff's and Deputies' clothing @ \$200.00 each	600.00
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Sheriff's Department—gas, oil and maintenance	3,000.00
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Provided, it shall be the duty of each of the deputies to assist the tax collector in collecting delinquent taxes by serving notice of executions or otherwise as directed by the tax collector. The deputies shall receive \$3.50 for each execution served. The two deputies above-mentioned shall be clothed with the authority to arrest without warrant any person known or suspected by them, upon satisfactory information, of violation of any of the criminal laws of the State. *Provided*, further, that any person arrested shall be taken immediately to the most convenient magistrate and a warrant procured; *provided*, further, that the deputy sheriffs may perform all duties usually required of rural policemen and shall patrol the county as they may be directed by the Sheriff; and *provided*, further, that if the deputies fail to do their duty by not enforcing all laws they shall be subject to removal at any time by the Governor, upon the recommendation of a majority of the legislative delegation. The Sheriff or deputy sheriffs shall transfer all lunatics to the asylum free of all costs, except actual expenses. *Provided*, further, that the deputy sheriffs shall work under the direction of the Sheriff and shall devote their entire time to the duties of the office. The Sheriff or deputy sheriffs shall act as Constable for the Magistrate for Saluda Court-house.

Provided, that the Tax Collector shall clear his records of all personal property delinquent taxes, including automobiles, etc., one year from date of executions from the Treasurer's office.

Total, Item 2		\$ 58,291.40
Item 3.	Board of Assessors and Equalization, if so much be necessary	\$ 1,500.00
<i>Provided</i> , that each member of the board of assessors shall receive compensation in the sum of thirty dollars annually; and <i>provided</i> , further, that the county board of equalization shall meet upon the call of the county auditor for not exceeding three days in any one year and shall receive per diem of ten dollars per day for not exceeding three days.		
Tax assessment and equalization program		25,855.00
Total, Item 3		\$ 27,355.00
Item 4.	Jail expenses, including dieting of prisoners at one dollar and fifty cents per day each, and bedding, less lights	\$ 2,700.00
Jurors and witnesses		2,800.00
Water and fuel—Courthouse and Agricultural Building		2,100.00
Lights for Courthouse Square		112.00
Lights for Jail, Agricultural Building, Courthouse and County Farm		3,200.00
Saluda Chamber of Commerce, industrial developments		1,566.30
National Guard Unit		1,200.00
Telephones located as follows: one in Treasurer's office, one in Commissioner's office, one in Judge of Probate's office, one in Civil Defense office, one in County Jail, one in Auditor's office, one in Superintendent of Education's office, one in Clerk of Court's office, one in Magistrate's office, one at County Home, and one in Sheriff's office; and long distance calls		2,100.00

For Sheriff's travel expense outside Saluda County	100.00
Courthouse supplies and Agricultural Building (including janitor and two telephones for Agricultural Building)	3,175.00
Twelve months' rent, lights, fuel for Welfare Department, at \$45.00 per month	540.00
Twelve months' rent for Unemployment Board	180.00
Vital Statistics	125.00
Saluda Standard—printing county reports	150.00
Miscellaneous office expenses, if so much be necessary:	
Clerk of Court	1,800.00
Sheriff	125.00
Judge of Probate, office equipment	550.00
Treasurer	400.00
Office expense for tax billing machine	895.00
Superintendent of Education	75.00
Auditor	275.00
Commissioner's Office	275.00
Magistrate's Office, printing necessary blanks	150.00
<i>Provided</i> , that the bills for printing herein authorized shall be paid upon separate bills rendered by any county officer.	
<i>Provided</i> , magistrates' jurors shall receive as compensation one dollar per day.	
<i>Provided</i> , the above office expense appropriations shall be excepted from the provisions of Section 5.	
Auditing County Officers' Books	600.00
Agricultural Department:	
4-H Boys' Club	50.00
4-H Girls' Club	50.00
F. F. A. Boys' Club, Saluda	75.00
J. H. A. Girls' Club, Saluda	75.00
F. F. A. Boys' Club, Hollywood	75.00
J. H. A. Girls' Club, Hollywood	75.00
F. F. A. Boys' Club, Ridge Spring	75.00
J. H. A. Girls' Club, Ridge Spring	75.00
N. H. A., Riverside	75.00

N. F. A., Riverside	75.00
County Agent	75.00
Home Demonstration Agent	100.00
Supplement to present County Agent's salary	500.00
Travel expense	1,200.00
Welfare Board	648.00
Travel Expense, Forest Fire Wardens two at \$300.00 each	600.00
Supplement for Welfare Department, to be disbursed at the discretion of the Welfare Board	1,000.00
Health Center	5,500.00
Historical Commission	500.00
Mental Health	3,200.00
Civil Defense	3,175.00
Night Communicator	420.00
Saluda County's part for operation of Piedmont Technical Education Center	1,785.00
Total, Item 4	\$ 44,596.30

Item 5. Miscellaneous Contingent:

Provided, that the Saluda County Board of Commissioners may issue vouchers against this fund for the items herein specified and not exceeding the amounts set forth for the year 1954-1955:

All court expenses as may be incurred in excess of the specified appropriations in this act.
Coroner's jurors shall receive three dollars each and ten cents per mile for each case of court.
Mileage shall be paid for the distance from home to place of inquest one way only.

Post mortems, inquests and lunacies

Transportation to State Hospital

Insurance on officers' bonds

Saluda County's proportional expense of S. C. Retirement System and Withholding Tax

Insurance and Sinking Fund

Insurance on county employees

Any funds paid out of the general miscellaneous contingent fund account, not approved in the

county appropriations act, must be approved by the Saluda County Legislative Delegation.

GRAND TOTAL	\$181,217.70
Less Estimated Revenue, other than Taxes:	
Gas tax	\$ 68,000.00
Income tax	33,000.00
Other revenue	14,000.00
Total	\$115,000.00
TO BE RAISED BY TAXATION	\$ 66,217.70

SECTION 2. The fee that may be charged by the Clerk of Court for Saluda County for the recording, filing, indexing or registering of any mortgage or other instruments conveying an interest in, or creating a lien on, the crops growing or to be grown, or on personal property, made to any corporation under the Act of Congress known as the Farm Credit Corporation of 1933, if and as amended, a Regional Agricultural Credit Corporation, a Federal Intermediate Credit Bank, or any other corporation which rediscounts notes or other obligations with or procures loans from a Federal Intermediate Credit Bank, the Reconstruction Finance Corporation or the Government of the United States or any department, agency, instrumentality or officer thereof, shall be one dollar; and a copy or duplicate of such instrument shall be furnished to the recording officer; *provided*, that Saluda County is specifically excepted from the provisions of Section 27-61, of the 1962 Code. Notwithstanding the provisions of Section 27-96 of the 1962 Code, the clerk of court shall charge one dollar and seventy-five cents for recording a deed, and one dollar and seventy-five cents for recording a mortgage on real estate.

SECTION 3. The county officials of Saluda County are hereby directed to collect the fees allowed them by laws as a part of their salaries. The county treasurer shall retain twenty-five cents additional out of every tax execution fee collected and the tax collector shall retain one dollar and fifty cents out of every such execution.

SECTION 4. In anticipation of the collection of 1966 taxes, the county board of commissioners and the treasurer are hereby authorized to borrow an amount sufficient to meet the expenses of the

county government for this fiscal year and pledge the taxes for 1966 in payment thereof, and the full faith, credit and taxing power of Saluda County are hereby pledged for the payment of such note or notes as are issued under the authority of this section.

SECTION 5. The above accounts shall be kept separate and distinct and expended only for the purposes for which appropriated; *provided*, no bill or claim shall be approved or paid unless the same shall state fully what it is for, giving the kind and quantity of the thing or commodity which it represents in addition to the amount and time when furnished. Any note or contract made by any officer of the county or county board in excess of the levy and appropriation herein shall be null and void insofar as the county is concerned; *provided*, however, that any officer or employee who disregards any of the provisions herein without the written consent of the Saluda County Legislative Delegation in the General Assembly, as kept on file in the office of the county treasurer, shall be guilty of malfeasance in office and subject to removal upon complaint of the Saluda County Legislative Delegation, in addition to the punishment now provided by law.

SECTION 6. All county officers shall make a complete report to the county treasurer of all fees, fines and monies received and disbursed by them, and file copies thereof with the Clerk of Court of Saluda County for the periods ending June 30, 1966, September 30, 1966, December 31, 1966, March 31, 1967 and June 30, 1967, and such reports shall be furnished not later than the tenth of the following month. Without further notice, such reports shall be public records and subject to inspection by the people of the county. Any person who fails to file his report will not be paid his salary until the report is filed and he may be removed from office, in the discretion of the legislative delegation.

SECTION 7. All county officers shall be paid monthly and such payment shall not exceed one-twelfth of the amount appropriated. Not more than one-sixth of the amount of Item 1 shall be paid out in any one month, except in case of emergency, and if it be necessary and by consent of the delegation.

SECTION 8. As soon as the total amount of property for taxation has been ascertained for the year 1966, the auditor and treasurer, jointly, are authorized to increase or decrease the levy hereinbefore

made to meet the appropriations herein provided, taking into account all other funds on hand for the purpose, gas tax as estimated, and other indirect revenues.

SECTION 9. The chairman of the board of commissioners has entire care and supervision of all county buildings and grounds, and he shall employ a janitor and shall have supervision over the janitor at all times. The chairman may designate someone to assist him during his absence.

SECTION 10. Any balance in any item, except Item 1, unexpended at the beginning of the fiscal year 1966-1967, shall be placed in the contingent account. All fines, forfeitures and forfeited land sales collected shall be placed in the contingent fund.

SECTION 11. The Treasurer is hereby authorized and required to place the money coming from whiskey, wine and beer tax in the fiscal year 1966-1967 in a separate fund to be known as "General School Fund," and this fund may be used in the discretion of the county superintendent of education by and with the consent of the county board of education.

SECTION 12. If, for any cause, the office of the chairman of the board of county commissioners, or either of the two commissioners, shall become vacant, the Governor shall, upon the recommendation of the Saluda County Legislative Delegation, appoint his successor.

SECTION 13. All offices of the courthouse may be closed at 12:30 o'clock p. m., every Saturday afternoon and every Wednesday afternoon.

SECTION 14. The expenditure of any funds from the State surplus coming to the county treasurer for school purposes or otherwise must be approved by the county delegation.

SECTION 15. The county farm shall be managed by the chairman of the board of county commissioners in cooperation with other members of that board, to the end that the farm may supplement the funds provided for the county chain gang.

SECTION 16. A reasonable rent shall be charged Federal agencies renting county-owned property. Such monies as are received from this source shall be placed in a special agricultural fund to be used for improvements on such buildings as are rented pursuant to the

terms of this section, or for other purposes in the discretion of the legislative delegation.

SECTION 17. No tax levy for school purposes shall be effective unless approved by the legislative delegation of the county.

SECTION 18. All magistrates of the county shall be bonded in the sum of one thousand dollars in a bonding company approved by the board of county commissioners, and such premiums as may be required shall be paid from funds of the county.

SECTION 19. The court crier and bailiffs for the county shall receive the same compensation as provided by law for petit jurors of the circuit court.

SECTION 20. All county notes shall remain with the treasurer when paid and shall not be transferred to any other office or officer.

SECTION 21. All county offices shall be closed each year on the following days: January first, July fourth, the first Monday in September, Thanksgiving Day and December twenty-fifth and twenty-sixth.

SECTION 22. If any section of this act shall be found to be unconstitutional, it shall not be construed to affect the validity of any other section hereof.

SECTION 23. The county legislative delegation shall have the right at any time to alter any of the salaries or appropriations herein; *provided*, the alteration shall be in the form of a letter addressed to the proper authorities and signed by both members of the delegation.

SECTION 24. This act shall take effect upon approval by the Governor.

Approved the 13th day of June, 1966.

An Act To Authorize The Woodruff-Roebuck Water District Commission To Issue General Obligation Bonds Of Woodruff-Roebuck Water District In An Amount Not Exceeding Six Hundred Thousand Dollars, To Prescribe The Conditions Under Which The Bonds May Be Issued And The Proceeds Expended,

And To Make Provision For Payment, And To Repeal Act 1359 Of The Acts Of 1964 Relating To A Referendum In Spartanburg County To Determine Whether The Stone Station Area Shall Be Annexed To The Woodruff-Roeback Water District.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Findings of General Assembly.—(1) Heretofore, by Act No. 1101 of 1956, the General Assembly created the Woodruff-Roeback Water District in Spartanburg County (the District) and committed to it the function of providing water service in the District. Thereafter, pursuant to such act, Woodruff-Roeback Water District Commission (the Commission) was duly organized and, following the election required by Act No. 1101 of 1956, issued general obligation bonds to the extent of one million five hundred thousand dollars and applied their proceeds to the cost of constructing and establishing a water system in the District, which is now functioning. The boundaries of the District have not been changed, notwithstanding the provisions of Act No. 1359 of 1964, whereby the General Assembly provided conditionally for the annexation of a contiguous area known as Stone Station Area. It is not now contemplated that the territorial limits of the District be changed.

(2) It has now been found that the water system of the District requires extensions and improvements in the form of additional lines and additional water storage facilities. It has been estimated that the same can be obtained at a cost not exceeding six hundred thousand dollars.

(3) On the basis of this finding the General Assembly proposes to authorize the commission to issue general obligation bonds of the District, without the holding of any election, in order to provide means by which the required moneys may be raised.

SECTION 2. Bond issue authorized.—The Commission is authorized to enlarge, extend and improve its water system; and to raise moneys for such purpose is authorized and empowered to issue not exceeding six hundred thousand dollars of general obligation bonds of the District, without the necessity of holding any election.

SECTION 3. Maturity.—All bonds issued pursuant to this act shall mature in such annual series or installments as the Commission shall provide, except that the first maturing bonds shall mature within three years from the date of issue; and no bond shall mature later than thirty years from the date of issue.

SECTION 4. Redemption.—Any bond issued pursuant to this act may be issued with a provision permitting its redemption prior to its stated maturity, at par and accrued interest, plus such redemption premium as may be prescribed by the Commission, but no bond shall be redeemable prior to its stated maturity unless it contains a statement to that effect. In the proceedings authorizing the issuance of such bonds, provision shall be made specifying the manner of call and the notice thereof that must be given as to bonds made redeemable prior to their stated maturities.

SECTION 5. Form.—The bonds issued pursuant to this act shall be in the form of negotiable coupon bonds, payable to bearer, but may be issued with the privilege to any holder of having them registered as to principal on the books of the Treasurer of Spartanburg County, upon such conditions as the Commission may prescribe. Except when so registered, all bonds issued pursuant to this act shall have all attributes of negotiable instruments under the law merchant and the negotiable instrument law.

SECTION 6. Where payable.—The bonds issued pursuant to this act shall be made payable at such place, within or without the State, as the Commission shall provide.

SECTION 7. Interest.—Bonds issued pursuant to this act shall bear interest at rates determined by the Commission.

SECTION 8. Denominations.—The bonds and the coupons to be thereunto attached, shall be in such denomination and shall be executed in such manner as the Commission shall by resolution prescribe.

SECTION 9. Sale.—Bonds issued pursuant to this act shall be sold at a price of not less than par and accrued interest to the date of their respective maturities. They shall be sold after public advertisement of their sale in a newspaper of general circulation in South Carolina. Such published notice shall appear not less than ten days prior to the occasion set for opening bids.

SECTION 10. Payment.—For the payment of the principal and interest of all bonds issued pursuant to this act, as they respectively mature, and for the creation of such sinking fund as may be necessary therefor, the full faith, credit and taxing power of the District shall be irrevocably pledged, and there shall be levied annually by the Auditor of Spartanburg County, and collected by the Treasurer of Spartanburg County, in the same manner as county taxes are levied

and collected, on all taxable property in the District, a tax sufficient to pay the principal and interest of the bonds as they respectively mature and to create such sinking fund as may be necessary therefor.

SECTION 11. Exempt from taxes.—The principal and interest of bonds issued pursuant to this act shall have the tax exempt status prescribed by Section 65-4.1, Code of Laws of South Carolina, 1962.

SECTION 12. Proceeds.—The proceeds derived from the sale of any bonds issued pursuant to this act shall be paid to the Treasurer of Spartanburg County, to be deposited in a bond account fund for the District and shall be expended and made use of as follows:

(a) Any accrued interest shall be applied to the payment of the first installment of interest to become due on such bonds.

(b) Any premium shall be applied to the payment of the first installment of principal of such bonds.

(c) The remaining proceeds shall be expended, upon the warrant or order of the Commission, for the following purposes:

(i) To defray the costs of issuing the bonds authorized by this act;

(ii) To provide for extensions and improvements to the water system of the District; and

(iii) If, after the final completion of the Commission's program, the Commission shall certify to the Treasurer of Spartanburg County that any remaining balance in the bond account is no longer needed for its program, then such balance shall be held by the Treasurer and used to effect the retirement of bonds then outstanding, which shall have been issued pursuant to this act.

SECTION 13. Powers to be additional.—The powers and authorizations hereby conferred upon the Commission shall be in addition to all other powers and authorizations previously vested in the Commission and may be availed of pursuant to action taken at any regular or special meeting of the Commission.

SECTION 14. No further action required.—No action other than that prescribed in this act need be taken to effect the issuance of the bonds herein authorized, nor shall the Commission be required to obtain the approval of any public agency to any action taken pursuant to the authorizations of this act.

SECTION 15. Act 1359 of 1964 repealed.—Act 1359 of 1964 is repealed.

SECTION 16. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 16th day of February, 1966.

(R804, H2060)

No. 1396

An Act To Amend Act No. 710 Of 1965 Appropriating Money For The Construction Of The Spartanburg County Department Of Health Building, So As To Increase The Appropriation From One Hundred Thousand Dollars To One Hundred Sixty Thousand Dollars.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 1 of Act No. 710 of 1965 is amended by inserting on line two between “dred” and “thousand” the word “sixty”. The section when amended shall read as follows:

“Section 1. There is hereby appropriated the sum of one hundred sixty thousand dollars from the general funds of Spartanburg County for the construction of a new building for the Spartanburg County Department of Health, this sum to be matched by the Federal Government under the formula provided by the Hill-Burton Act.”

SECTION 2. This act shall take effect upon approval by the Governor.

Approved the 18th day of February, 1966.

(R928, H2265)

No. 1397

A Joint Resolution Proposing An Amendment To Section 13, Article II, Of The Constitution Of South Carolina, 1895, So As To Permit Elections To Be Held In The City Of Greer Upon The Question Of Incurring Bonded Indebtedness For Any Corporate Purpose Without There Being First Presented To The City Council Of The City Of Greer A Petition Signed By A Majority Of The Freeholders Of The City Seeking And Authorizing The Holding Of Such Elections.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Amendment to Section 13, Article II, State Constitution, proposed—permit elections in City of Greer on question of bonded indebtedness.—There is proposed the following amendment to Section 13, Article II, of the Constitution of South Carolina, 1895: add at the end thereof the following: “*Provided*, that the General Assembly need not prescribe any such petition of freeholders as a condition precedent to the holding of any such election in the City of Greer where the proceeds of the bonds to be authorized are used for any corporate purpose of the City of Greer. It is intended that the term ‘City of Greer’ as used in this amendment shall mean the City of Greer with corporate limits as now constituted or as hereafter altered following merger, annexation, or modification of corporate limits.”

SECTION 2. Submission to electors.—The proposed amendment shall be submitted to the qualified electors at the next general election for members of the House of Representatives. Ballots shall be provided at the various voting precincts throughout the State, with the following words printed or written thereon: “Shall Section 13, Article II, of the Constitution of South Carolina, 1895, be amended so as to permit the holding of special elections in the City of Greer for the purpose of determining if the City Council of the City of Greer shall be empowered to issue general obligation bonds of the City of Greer for any corporate purpose without there first being presented to the City Council a petition signed by a majority of the freeholders of the City of Greer petitioning and authorizing such elections?”

In favor of the amendment ☐

Opposed to the amendment ☐

Those voting in favor of the amendment shall deposit a ballot with a check or cross mark in the square after the words ‘In favor of the amendment’, and those voting against the amendment shall deposit a ballot with a check or cross mark in the square after the words ‘Opposed to the amendment’.”

Ratified the 24th day of March, 1966.

(R929, H2266)

No. 1398

A Joint Resolution Proposing Amendments To Section 7, Article VIII, And Section 5, Article X, Of The Constitution Limiting The Amount Of Bonded Indebtedness Which May Be Incurred By Certain Political Subdivisions Of This State, So As To Increase The Amount Of Bonded Indebtedness Which May Be Incurred By The City Of Greer In Greenville And Spartanburg Counties, And To Eliminate Consideration Of Such Indebtedness In Determining The Total Amount Of Indebtedness Over And Upon Such Territory.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Amendment to Article VIII, Section 7, State Constitution, proposed—bonded indebtedness, City of Greer.—There is proposed the following amendment to Section 7, Article VIII, of the Constitution of this State: add at the end of the section the following proviso: "*Provided*, that the maximum amount of bonded indebtedness which the City of Greer in Greenville and Spartanburg Counties may incur shall not exceed twenty per cent of the assessed value of the taxable property within its municipal limits."

SECTION 2. Amendment to Article X, Section 5, State Constitution, proposed—bonded indebtedness, City of Greer.—There is proposed the following amendment to Section 5, Article X, of the Constitution of this State: add at the end of the section the following proviso:

"*Provided*, that the maximum amount of bonded indebtedness which the City of Greer in Greenville and Spartanburg Counties may incur shall not exceed twenty per cent of the assessed value of the taxable property within its municipal limits. The bonded indebtedness of the City of Greer in Greenville and Spartanburg Counties shall not be considered in determining the power to incur bonded indebtedness by Greenville or Spartanburg Counties or by any political subdivision of the counties or of the State wholly covering or partially extending over the territory within the municipal limits of the City of Greer."

SECTION 3. Submission to electors.—The proposed amendments shall be submitted to the qualified electors at the next general election for representatives. Ballots shall be provided at the various voting precincts with the following words printed or written thereon:

"Amendment No. 1

Shall Section 7, Article VIII, of the Constitution of this State be amended so as to increase the maximum amount of bonded indebtedness which may be incurred by the City of Greer in Greenville and Spartanburg Counties from eight to twenty per cent of the assessed value of the taxable property within its municipal limits?

In favor of the amendment ☐

Opposed to the amendment ☐

Amendment No. 2

Shall Section 5, Article X, of the Constitution of this State be amended so as to increase the maximum amount of bonded indebtedness which may be incurred by the City of Greer in Greenville and Spartanburg Counties from eight to twenty per cent of the assessed value of the taxable property within its municipal limits, and to eliminate consideration of such indebtedness in determining the total amount of indebtedness over and upon the territory within the municipal limits of the City of Greer?

In favor of the amendment ☐

Opposed to the amendment ☐

Those voting in favor of one or both of the foregoing amendments shall mark the ballot with a check or cross mark in the square after the words 'In favor of the amendment' which immediately follow the appropriate amendment, and those voting against one or both of the foregoing amendments shall mark the ballot with a check or cross mark in the square after the words 'Opposed to the amendment' which immediately follow the appropriate amendment."

Ratified the 24th day of March, 1966.

(R966, H2343)

No. 1399

An Act To Validate The Creation Of The New Prospect Area Fire District In Spartanburg County And To Provide That It May Borrow Not Exceeding Twenty-Five Thousand Dollars From The United States Government And To Provide For The Payment Of The Loan.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Findings of General Assembly.—The General Assembly finds that the election provided for in Act 908 of 1964, for the creation of New Prospect Area Fire District, in Spartanburg County, was held on June 8, 1964, and resulted favorably to the creation of New Prospect Area Fire District (hereinafter referred to as the fire district.) Subsequent thereto, the board of fire control for the fire district, provided for by Section 4 of Act 908, was duly appointed and the members thereof have duly qualified. Under the provisions contained in Section 5 (h) of Act 908 of 1964, the board of fire control proposes to borrow twenty-five thousand dollars from the Department of Housing and Urban Development or from some other agency of the United States Government at a rate of interest not to exceed four per cent, which loan is to be repaid over a period of thirty years; and some question has arisen as to whether, under the provisions of Section 5 (h) of Act 908 of 1964, the board of fire control has the power to borrow the moneys on the terms and conditions of the proposed loan.

SECTION 2. New Prospect Area Fire District declared validly created.—New Prospect Area Fire District, as hereby established pursuant to the favorable results of the election held within the proposed fire district on June 8, 1964, is hereby declared to be a validly created and established special purpose district in Spartanburg County, known as New Prospect Area Fire District.

SECTION 3. Board of fire control may borrow money.—The board of fire control of New Prospect Area Fire District is hereby authorized to borrow not exceeding twenty-five thousand dollars from the Department of Housing and Urban Development of the United States Government or from such other agency of the United States Government as will lend such sum to the fire district at an interest rate not to exceed four per cent per annum, which loan is to be repaid in equal or unequal annual installments over a period of years not exceeding thirty years from the date of the note evidencing the loan. Such borrowing shall be evidenced by a note of the fire district to be signed in the name of and on behalf of the fire district by the chairman and secretary of the board of fire control and to be countersigned by the Treasurer of Spartanburg County.

SECTION 4. Payment.—For the payment of the principal and interest of all notes issued pursuant to this act as they respectively mature or installments thereon become due, and for the creation of such

sinking fund as may be necessary therefor, the full faith, credit and taxing power of the fire district shall be irrevocably pledged and there shall be levied annually by the auditor and collected by the treasurer of the county, on all taxable property in the fire district, a tax sufficient to pay the principal and interest of such notes as they respectively mature and to create such sinking fund as may be necessary therefor.

SECTION 5. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 7th day of April, 1966.

(R978, S639)

No. 1400

An Act Proposing An Amendment To Section 5 Of Article X Of The Constitution, Relating To The Bonded Indebtedness Of Certain Political Subdivisions, So As To Permit Spartanburg School District No. 4 Of Spartanburg County To Incur Bonded Indebtedness Up To Twelve Per Cent Of The Assessed Value Of The Taxable Property Therein, And To Eliminate Consideration Of Such Indebtedness In Determining The Total Amount Of Indebtedness Over And Upon Such Territory.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Amendment to Article X, Section 5, State Constitution, proposed—bonded indebtedness, School District No. 4, Spartanburg County.—There is proposed the following amendment to Section 5 of Article X of the Constitution of this State: add at the end of the section the following proviso: "*Provided*, that the limitations as to bonded indebtedness imposed by this section shall not apply to Spartanburg School District No. 4 of Spartanburg County, and that the school district may incur bonded indebtedness for school purposes to an amount not exceeding twelve per cent of the assessed value of all taxable property therein. The bonded indebtedness of School District No. 4 of Spartanburg County shall not be considered in determining the power to incur bonded indebtedness by Spartanburg County or by any political subdivision of the county or of the State wholly covering or partially extending over the territory within the school district."

SECTION 2. Submission to electors.—The proposed amendment shall be submitted to the qualified electors at the next general election for representatives. Ballots shall be provided at the various voting precincts with the following words printed or written thereon: "Shall Section 5 of Article X of the Constitution of this State be amended so as to permit Spartanburg School District No. 4 of Spartanburg County to increase its bonded indebtedness up to twelve per cent of the assessed value of the taxable property therein, and to eliminate consideration of such indebtedness in determining the total amount of indebtedness over and upon the territory within the school district?"

In favor of the amendment ☐

Opposed to the amendment ☐

Those voting in favor of the amendment shall deposit a ballot with a check or cross mark in the square after the words 'In favor of the amendment', and those voting against the amendment shall deposit a ballot with a check or cross mark in the square after the words 'Opposed to the amendment'."

Ratified the 12th day of April, 1966.

(R980, S662)

No. 1401

An Act To Amend An Act Of 1966, Bearing Ratification Number 759, Relating To The Issuance Of General Obligation Bonds Of Woodruff-Roebuck Water District In An Amount Not Exceeding Six Hundred Thousand Dollars, So As To Include The Construction Of An Office Building Among The Purposes For Which The Bonds May Be Issued.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Findings of General Assembly.—The General Assembly finds that Woodruff-Roebuck Water District in Spartanburg County (the District) was authorized to issue not exceeding six hundred thousand dollars of general obligation bonds by the provisions of an Act bearing Ratification Number 759 enacted at the 1966 Session of the General Assembly.

The General Assembly further finds that Woodruff-Roebuck Water District is in need of an office for the operation of the water system now operated by the District, which office building is to be constructed

upon a parcel of land owned by the District in the Town of Woodruff at a cost not to exceed twenty-five thousand dollars.

SECTION 2. Item (2) of Section 1 of Act No. 1395 of 1966, amended—office building needed.—Item (2) of Section 1 of the Act of 1966 bearing Ratification Number 759 is amended on line three after the word “facilities” by adding “and that an office building is needed for the operation of the water system”. The item when amended shall read as follows:

“(2) It has now been found that the water system of the District requires extensions and improvements in the form of additional lines and additional water storage facilities and that an office building is needed for the operation of the water system. It has been estimated that the same can be obtained at a cost not exceeding six hundred thousand dollars.”

SECTION 3. Section 2 of Act No. 1395 of 1966 amended—construction of office building.—Section 2 of the Act of 1966 bearing Ratification Number 759 is amended on line two after the word “system” by adding “and to construct an office building on land owned by the District in the Town of Woodruff, which office building shall not cost in excess of twenty-five thousand dollars.” The section when amended shall read as follows:

“Section 2. The Commission is authorized to enlarge, extend and improve its water system and to construct an office building on land owned by the District in the Town of Woodruff, which office building shall not cost in excess of twenty-five thousand dollars; and to raise moneys for such purpose is authorized and empowered to issue not exceeding six hundred thousand dollars of general obligation bonds of the District, without the necessity of holding any election.”

SECTION 4. Section 12 of Act No. 1395 of 1966, amended—cost of office building.—Section 12 of the Act of 1966 bearing Ratification Number 759 is amended on line thirteen after the word “District” by adding “and an office building for the operation of the water system, which building shall not cost in excess of twenty-five thousand dollars”. The section when amended shall read as follows:

“Section 12. The proceeds derived from the sale of any bonds issued pursuant to this act shall be paid to the Treasurer of Spartanburg County, to be deposited in a bond account fund for the District and shall be expended and made use of as follows:

(a) Any accrued interest shall be applied to the payment of the first installment of interest to become due on such bonds.

(b) Any premium shall be applied to the payment of the first installment of principal of such bonds.

(c) The remaining proceeds shall be expended, upon the warrant or order of the Commission, for the following purposes:

(i) To defray the cost of issuing the bonds authorized by this act;

(ii) To provide for extensions and improvements to the water system of the District and an office building for the operation of the water system, which building shall not cost in excess of twenty-five thousand dollars; and

(iii) If, after the final completion of the Commission's program, the Commission shall certify to the Treasurer of Spartanburg County that any remaining balance in the bond account is no longer needed for its program, then such balance shall be held by the Treasurer and used to effect the retirement of bonds then outstanding, which shall have been issued pursuant to this act."

SECTION 5. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 13th day of April, 1966.

(R993, H2374)

No. 1402

An Act To Provide For An Appropriation For The Spartanburg Mental Health Clinic.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. There is hereby appropriated from the general fund of Spartanburg County the sum of fifty thousand dollars, to be matched with federal funds, for use by the Spartanburg Mental Health Clinic.

SECTION 2. This act shall take effect upon approval by the Governor.

Approved the 13th day of April, 1966.

(R1042, H2403)

No. 1403

A Joint Resolution Proposing An Amendment To Section 5 Of Article X Of The Constitution, Relating To The Bonded Indebtedness Of Certain Political Subdivisions, So As To Permit Spartanburg School Districts No. 2 And No. 3 Of Spartanburg County To Incur Bonded Indebtedness Up To Twelve Per Cent Of The Assessed Value Of The Taxable Property Therein, And To Eliminate Consideration Of Such Indebtedness In Determining The Total Amount Of Indebtedness Over And Upon Such Territory.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Amendment to Article X, Section 5, State Constitution, proposed—bonded indebtedness, Spartanburg School Districts 2 and 3.—There is proposed the following amendments to Section 5 of Article X of the Constitution of this State: add at the end of the section the following provisos: "*Provided*, that the limitations as to bonded indebtedness imposed by this section shall not apply to Spartanburg School District No. 3 of Spartanburg County, and that the school district may incur bonded indebtedness for school purposes to an amount not exceeding twelve per cent of the assessed value of all taxable property therein. The bonded indebtedness of School District No. 3 of Spartanburg County shall not be considered in determining the power to incur bonded indebtedness by Spartanburg County or by any political subdivision of the county or of the State wholly covering or partially extending over the territory within the school district. *Provided*, that the limitations as to bonded indebtedness imposed by this section shall not apply to Spartanburg School District No. 2 of Spartanburg County, and that the school district may incur bonded indebtedness for school purposes to an amount not exceeding twelve per cent of the assessed value of all taxable property therein. The bonded indebtedness of School District No. 2 of Spartanburg County shall not be considered in determining the power to incur bonded indebtedness by Spartanburg County or by any political subdivision of the county or of the State wholly covering or partially extending over the territory within the school district."

SECTION 2. Submission to electors.—The proposed amendments shall be submitted to the qualified electors at the next general election for representatives. Ballots shall be provided at the various voting precincts with the following words printed or written thereon:

“Question No. 1. Shall Section 5 of Article X of the Constitution of this State be amended so as to permit Spartanburg School District No. 3 of Spartanburg County to increase its bonded indebtedness up to twelve per cent of the assessed value of the taxable property therein, and to eliminate consideration of such indebtedness in determining the total amount of indebtedness over and upon the territory within the school district?

In favor of the amendment ☐

Opposed to the amendment ☐

Those voting in favor of the amendment shall deposit a ballot with a check or cross mark in the square after the words ‘In favor of the amendment’, and those voting against the amendment shall deposit a ballot with a check or cross mark in the square after the words ‘Opposed to the amendment’.

Question No. 2. Shall Section 5 of Article X of the Constitution of this State be amended so as to permit Spartanburg School District No. 2 of Spartanburg County to increase its bonded indebtedness up to twelve per cent of the assessed value of the taxable property therein, and to eliminate consideration of such indebtedness in determining the total amount of indebtedness over and upon the territory within the school district?

In favor of the amendment ☐

Opposed to the amendment ☐

Those voting in favor of the amendment shall deposit a ballot with a check or cross mark in the square after the words ‘In favor of the amendment’, and those voting against the amendment shall deposit a ballot with a check or cross mark in the square after the words ‘Opposed to the amendment’.”

Ratified the 21st day of April, 1966.

A Joint Resolution Proposing An Amendment To Article II, Section 13 Of The South Carolina Constitution To Permit Elections To Be Held In The City Of Spartanburg Upon The Question Of Incurring Bonded Indebtedness For Any Corporate Purpose Without There Being First Presented To The City Council Of The City Of Spartanburg A Petition Signed By A Majority Of

The Freeholders Of The City Seeking And Authorizing The Holding Of Such Elections.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Amendment to Article II, Section 13, State Constitution, proposed—bonded indebtedness, City of Spartanburg.—There is proposed the following amendment to Section 13, Article II, of the Constitution of South Carolina, 1895: add at the end thereof the following: “*Provided*, that provisions of this section prescribing the petition of freeholders as a condition precedent to the holding of any such election shall not apply to the City of Spartanburg where the proceeds of the bonds to be authorized are used for any corporate purpose of the City of Spartanburg. It is intended that the term ‘City of Spartanburg’ as used in this amendment shall mean the City of Spartanburg with corporate limits as now constituted or as hereafter altered following merger, annexation, or modification of corporate limits.”

SECTION 2. Submission to electors.—The proposed amendment shall be submitted to the qualified electors at the next general election for members of the House of Representatives. Ballots shall be provided at the various voting precincts throughout the State, with the following words printed or written thereon: “Shall Section 13, Article II, of the Constitution of South Carolina, 1895, be amended so as to permit the holding of special elections in the City of Spartanburg for the purpose of determining if the City Council of the City of Spartanburg shall be empowered to issue general obligation bonds of the City of Spartanburg for any corporate purposes without there first being presented to the city council a petition signed by a majority of the freeholders of the City of Spartanburg petitioning and authorizing such elections?”

In favor of the amendment ☐

Opposed to the amendment ☐

Those voting in favor of the amendment shall deposit a ballot with a check or cross mark in the square after the words ‘In favor of the amendment’, and those voting against the amendment shall deposit a ballot with a check or cross mark in the square after the words ‘Opposed to the amendment’.”

Ratified the 21st day of April, 1966.

(R1065, H2401)

No. 1405

A Joint Resolution Proposing An Amendment To Section 5 Of Article X Of The Constitution, Relating To The Bonded Indebtedness Of Certain Political Subdivisions, So As To Permit Spartanburg School District No. 5 Of Spartanburg County To Incur Bonded Indebtedness Up To Twelve Per Cent Of The Assessed Value Of The Taxable Property Therein, And To Eliminate Consideration Of Such Indebtedness In Determining The Total Amount Of Indebtedness Over And Upon Such Territory.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Amendment to Article X, Section 5, State Constitution, proposed—bonded indebtedness, Spartanburg School District No. 5.—There is proposed the following amendment to Section 5 of Article X of the Constitution of this State: add at the end of the section the following proviso: "*Provided*, that the limitations as to bonded indebtedness imposed by this section shall not apply to Spartanburg School District No. 5 of Spartanburg County, and that the school district may incur bonded indebtedness for school purposes to an amount not exceeding twelve per cent of the assessed value of all taxable property therein. The bonded indebtedness of School District No. 5 of Spartanburg County shall not be considered in determining the power to incur bonded indebtedness by Spartanburg County or by any political subdivision of the county or of the State wholly covering or partially extending over the territory within the school district."

SECTION 2. Submission to electors.—The proposed amendment shall be submitted to the qualified electors at the next general election for representatives. Ballots shall be provided at the various voting precincts with the following words printed or written thereon: "Shall Section 5 of Article X of the Constitution of this State be amended so as to permit Spartanburg School District No. 5 of Spartanburg County to increase its bonded indebtedness up to twelve per cent of the assessed value of the taxable property therein, and to eliminate consideration of such indebtedness in determining the total amount of indebtedness over and upon the territory within the school district?"

In favor of the amendment ☐

Opposed to the amendment ☐

Those voting in favor of the amendment shall deposit a ballot with a check or cross mark in the square after the words 'In favor of the amendment', and those voting against the amendment shall deposit a ballot with a check or cross mark in the square after the words 'Opposed to the amendment'."

Ratified the 21st day of April, 1966.

(R1179, H2558)

No. 1406

An Act To Amend Act No. 705 Of 1965, Relating To Borrowing Of Funds By School District No. 1 Of Spartanburg County, So As To Allow The Funds To Be Repaid Within Three Years Instead Of Two Years.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 1 of Act 705 of 1965 amended—School District No. 1 may repay funds within three years.—Section 1 of Act No. 705 of 1965 is amended by striking on line eight the word "two" and inserting "three". The section when amended shall read as follows:

"Section 1. The Board of Trustees of School District No. 1 in Spartanburg County may borrow not exceeding fifty thousand dollars for school purposes. The amount so borrowed shall be evidenced by a note to be executed by a majority of the board of trustees, including the chairman, and shall bear such rate of interest, not to exceed four per cent, as may be agreed upon between the board of trustees and the lender and shall be payable within a period of three years from the date of the note. *Provided*, the borrowers reserve the right to anticipate the payment of part or all of the note at any time prior to the maturity date of the note."

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 10th day of May, 1966.

(R1183, H2557)

No. 1407

A Joint Resolution Proposing An Amendment To Section 5 Of Article X Of The Constitution Of South Carolina, 1895, Relating To The Bonded Indebtedness Of Certain Political Subdivisions, So As To Permit Spartanburg School District No. 1 Of Spartanburg County To Incur Bonded Indebtedness Up To Twelve Per Cent Of The Assessed Value Of The Taxable Property Therein, And To Eliminate Consideration Of Such Indebtedness In Determining The Total Amount Of Indebtedness Over And Upon Such Territory.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Amendment to Article X, Section 5, State Constitution, proposed—bonded indebtedness—School District No. 1 of Spartanburg County.—There is proposed the following amendment to Section 5 of Article X of the Constitution of this State: Add at the end of the section the following proviso: “*Provided*, that the limitations as to bonded indebtedness imposed by this section shall not apply to Spartanburg School District No. 1 of Spartanburg County, and that the school district may incur bonded indebtedness for school purposes to an amount not exceeding twelve per cent of the assessed value of all taxable property therein. The bonded indebtedness of School District No. 1 of Spartanburg County shall not be considered in determining the power to incur bonded indebtedness by Spartanburg County or by any political subdivision of the county or of the State wholly covering or partially extending over the territory within the school district.”

SECTION 2. Submission to electors.—The proposed amendment shall be submitted to the qualified electors at the next general election for representatives. Ballots shall be provided at the various voting precincts with the following words printed or written thereon: “Shall Section 5 of Article X of the Constitution of this State be amended so as to permit Spartanburg School District No. 1 of Spartanburg County to increase its bonded indebtedness up to twelve per cent of the assessed value of the taxable property therein, and to eliminate consideration of such indebtedness in determining the total amount of indebtedness over and upon the territory within the school district?”

In favor of the amendment ☐

Opposed to the amendment ☐

Those voting in favor of the amendment shall deposit a ballot with a check or cross mark in the square after the words 'In favor of the amendment', and those voting against the amendment shall deposit a ballot with a check or cross mark in the square after the words 'Opposed to the amendment.'"

Ratified the 6th day of May, 1966.

(R1184, H2562)

No. 1408

An Act To Create The Spartanburg County Hospital And Health Facility Planning Commission And Prescribe Its Powers And Duties.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Spartanburg County Hospital and Health Facility Planning Commission created.—There is hereby created the Spartanburg County Hospital and Health Facility Planning Commission. The governing board of the commission shall consist of one member appointed by each of the following: Spartanburg County Legislative Delegation; Board of Trustees of Spartanburg General Hospital; Long Range Planning Committee of the Spartanburg County Medical Society; Chamber of Commerce for Spartanburg; Spartanburg County Foundation; Board of Trustees of Mountain View; Board of the County Health Department; Staff of Spartanburg General Hospital; Central Labor Union; Spartanburg County Bar Association; Spartanburg County Dental Society; Staff of Mary Black Hospital; Staff of Spartanburg General Hospital, Woodruff Division; Progressive Men's Club; Ministerial Alliance; Board of Directors of the Spartanburg Development Association; Board of Directors, The United Fund; Council for Spartanburg County; Merchants' Bureau; Spartanburg County Medical Society; Board of Trustees, Spartanburg Tuberculosis Hospital; Committee of Five to Study Patient Care of Institutions in Spartanburg County; Spartanburg County Ministerial Association; and International Ladies Garment Workers' Union of America.

In addition, the Executive Committee of the Planning Commission for Hospital and Related Health Facilities will appoint two members from each school district in Spartanburg County to the governing board.

The members shall serve for terms of four years and until their successors are appointed and qualify. Vacancies shall be filled for the unexpired portion of the terms in the same manner as the original appointments.

The governing board may select any appropriate technical advisory committees necessary. The commission shall adopt its own rules for the transaction of its business and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record. The commission may appoint such employees as it may deem necessary for its work.

SECTION 2. Powers and duties.—The commission shall have such powers as may be appropriate to enable it to fulfill its functions and duties, and to carry out the purposes of this act. The commission shall assemble data pertaining to hospital and related health facilities in Spartanburg County from whatever sources that are available in an effort to determine the present and future needs of the county relative to hospital and related health facilities, and recommend a regional plan for the development of these facilities, and determine the various funds available to carry out such plan.

The commission shall include in its study the construction, equipment, staff and personnel needs of the county. It shall include in the study nursing homes and other long-term care facilities, rehabilitation facilities, out-patient services of hospitals, organized home-care programs, public health centers and all other forms of hospital and health facilities.

The "Areawide Planning for Hospital and Related Health Facilities" pamphlet compiled by the American Hospital Association and the Public Health Service, known as "Public Health Service Publication No. 855" and the "Procedures for Areawide Health Facility Planning" pamphlet known as "Public Health Service Publication No. 930-B-3" shall be used for the guidance of the commission.

The commission shall make its recommendations and reports to the governing body of the county from time to time.

SECTION 3. Members.—The members appointed to the commission from the following agencies shall constitute the Executive Committee: Spartanburg County Legislative Delegation; Board of Trustees of the Spartanburg General Hospital; Long Range Planning Committee of the Spartanburg County Medical Society; Spartanburg County Bar Association; Central Labor Union; Chamber of Com-

merce; Spartanburg County Foundation; Spartanburg County Ministerial Association; Board of the Spartanburg County Health Department; and Board of Trustees of Mountain View.

The Executive Committee shall select a chairman, who shall also serve as chairman of the governing board.

The Executive Committee shall set the time and place of meetings of the governing board.

SECTION 4. Funds.—The commission is hereby authorized to receive and disperse funds. In the event extra operating funds are needed, the commission may request them as a separate appropriation by the Spartanburg County Legislative Delegation.

SECTION 5. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 10th day of May, 1966.

(R1219, S525)

No. 1409

A Joint Resolution Proposing An Amendment To Article I, Section 17, Of The Constitution Of South Carolina, 1895, Relating To Criminal Punishment, Double Jeopardy And The Taking Of Private Property, So As To Authorize The General Assembly To Provide By Law That Incorporated Municipalities Or Housing Or Redevelopment Authorities In Spartanburg County May Undertake And Carry Out Slum Clearance And Redevelopment Work And To Provide For The Use Of The Power Of Eminent Domain By The Incorporated Municipalities Or Housing Authorities In Spartanburg County For Such Purposes.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Findings of the General Assembly.—The General Assembly finds that if the City of Spartanburg and other municipalities in Spartanburg County are to be permitted to undertake urban renewal programs, to maintain economic progress and fiscal stability of the municipalities in Spartanburg County, to provide for the rehabilitation and/or redevelopment of predominantly blighted and depressed sections of the central city and similarly depressed and predominantly slum residential areas for the general welfare of the citizens of Spartanburg County, it is necessary that Section 17 of

Article I of the Constitution of South Carolina, 1895, be amended in such fashion so as to authorize the City of Spartanburg and other municipalities in Spartanburg County to acquire private property in connection with urban renewal programs. It further appears that there is a manifest public interest and responsibility to safeguard the economic and fiscal stability and general welfare of the respective municipalities, and it further appears that the municipalities' abilities to finance appropriate redevelopment programs is inadequate and that, further, the Federal government has available to these municipalities participating funding programs through urban renewal to accomplish these purposes, the General Assembly proposes to submit to the qualified electors of the State at the next general election the question of whether Section 17 of Article I of the Constitution of South Carolina, 1895, should be amended in such a fashion so as to permit municipalities in Spartanburg County, as now existing or as may hereafter exist, to undertake a program of urban renewal within the corporate limits of such city or towns.

SECTION 2. Amendment to Article I, Section 17, State Constitution, proposed—County of Spartanburg—slum clearance and redevelopment work—eminent domain.—It is proposed that Section 17 of Article I of the Constitution of South Carolina, 1895, be amended by adding at the end thereof the following: "*Provided*, the General Assembly may provide by law that any incorporated municipality in Spartanburg County, or any housing or redevelopment authority now existing or hereafter established to function in Spartanburg County, may undertake and carry out slum clearance and redevelopment work in areas which are predominantly slum or blighted, the preparation of such areas for re-use, and the sale or other disposition of such areas to private enterprise for private uses or to public bodies for public uses and to that end the General Assembly may delegate to such incorporated municipalities in Spartanburg County or to such authorities, the right to exercise the power of eminent domain as to any property essential to the plan of slum clearance and redevelopment."

SECTION 3. Submission to electors.—The proposed amendment shall be submitted to the qualified electors at the next general election for representatives. Ballots shall be provided at the various voting precincts with the following words printed or written thereon: "Shall Section 17, of Article I of the Constitution of South Carolina, 1895,

be amended so as to permit the use of the power of eminent domain by incorporated municipalities or housing or redevelopment authorities in Spartanburg County for the purpose of slum clearance and redevelopment work in areas in Spartanburg County which are predominantly slum or blighted, in order to acquire and clear such areas, to prepare the same for re-use and for sale or other disposition to private enterprise for private purposes or to public bodies for public purposes?

In favor of the amendment ☐

Opposed to the amendment ☐

Those voting in favor of the amendment shall deposit a ballot with a check or cross mark in the square after the words 'In favor of the amendment', and those voting against the amendment shall deposit a ballot with a check or cross mark in the square after the words 'Opposed to the amendment'."

Ratified the 12th day of May, 1966.

(R1325, H2483)

No. 1410

An Act Relating To The Fiscal Affairs Of Spartanburg County, Making Appropriations Therefor, And Levying Taxes For The Fiscal Year Ending June 30, 1967.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. A tax levy of thirty-one mills is hereby levied on all taxable property in Spartanburg County for county and school purposes for the fiscal year beginning July 1, 1966, and ending June 30, 1967, for the amounts and purposes hereinafter mentioned and set forth herein:

ITEM 1. ADMINISTRATIVE DEPARTMENT

(A) 1. Auditor's Office

Salary, Auditor\$ 4,060.71

The annual salary of the County Auditor shall be paid from the State and County funds and shall not exceed \$8,637.81, and the appropriation for County Auditor shall be adjusted accordingly.

Travel and Official Expenses, Auditor 743.00

Chief Clerk (A)	5,362.92
Senior Clerk (C)	3,852.95
Senior Clerk (C)	3,852.95
Senior Clerk (C)	3,852.95
Recording Clerk (D)	3,384.60
Recording Clerk (D)	3,384.60
Map Book Clerk (one-half salary) (D)	2,125.35
The clerk who maintains the property map installed in the office of County Auditor shall also verify all automobile registrations. The payment of such clerk is contingent upon the City of Spartanburg paying an equal amount.	
2. Board of Assessment Control and Board of Assessment Appeals	10,000.00
Extra Clerical Help	3,984.75
Extra clerical help to be expended in accordance with county personnel and salary policies.	
Automobile Registration Cards	300.00
Total, Sections (A) 1, and (A) 2	\$ 44,904.78
(B) Treasurer's Office	
Salary, Treasurer	\$ 4,060.71
The annual salary of the County Treasurer to be paid from State and County funds shall not exceed \$8,637.81 and the appropriation for County Treasurer shall be adjusted accordingly. Profit from the sale of Revenue Stamps shall accrue to the County Treasurer.	
Assistant Treasurer (A)	5,362.92
Receiving-Paying Teller (B+)	5,362.92
Receiving-Paying Teller (B+)	5,362.92
Receiving-Paying Teller (B)	4,446.43
Receiving-Paying Teller (B)	4,446.43
Senior Clerk (C)	3,710.75
Senior Clerk (C)	3,568.54
Outside Tax Collector No. 1	5,362.92
Outside Tax Collector No. 2	4,400.00
Travel and Official Expense, Treasurer	600.00
Bank Charges	100.00

Extra Help	1,650.00
Travel—outside Tax Collectors Travel to be paid for at the rate of nine cents per mile upon duly itemized and sworn statements.	
Total, Section (B)	\$ 48,434.54
(C) Clerk of Court's Office	
Salary, Clerk of Court	\$ 8,637.81
Deputy (A)	5,362.92
Chief Clerk (B)	4,828.45
Senior Clerk (B)	4,608.45
Clerk-Stenographer (D)	3,514.30
Clerk-Stenographer (D)	3,092.00
Total, Section (C)	\$ 30,043.93
(D) Office of Register Mesne Conveyance	
Salary, Register Mesne Conveyance	\$ 8,637.81
Deputy Clerk (A)	5,362.92
Senior Clerk (C)	3,994.80
First Clerk (E)	3,004.52
Index Clerk (E)	3,004.52
Photo Copy Machine Operator (C)	3,994.80
Microfilm Operator (C)	3,994.80
Recording Clerk (D)	3,384.60
Recording Clerk (D)	3,384.60
Recording Clerk (D)	3,384.60
Recording Clerk (E)	2,884.79
Total, Section (D)	\$ 45,032.76
All fees collected by the Register of Mesne Conveyance for making copies of all certifications shall accrue to that office.	
(E) Office of County Board	
County Board Members	\$ 2,182.95
Clerk and Secretary, County Board	8,637.81
Junior Clerk	6,000.00
Travel, Clerk and Secretary	1,029.00
Assistant Clerk (A)	5,362.92
Chief Clerk (B)	4,828.45
Clerk-Stenographer (F)	3,384.60
County Board Contingent	2,500.00

County Attorney	3,465.00
County Physician	2,019.72
The appropriation for the County Physician for medical work at the County Jail and Farm includes V. D. treatment of county prisoners at County Jail.	
Examination of the mentally ill	3,900.00
<i>Provided</i> , no physician shall be paid in excess of ten dollars for any one examination.	
Insurance—County-owned cars	500.00
Operation and upkeep—County-owned cars ..	9,000.00
Workmen's Compensation Insurance	7,000.00
Stationery and supplies for all County offices	42,000.00
Bonds of Officers and County officials	1,650.00
Office Equipment, including County Board of Education	12,000.00
RMC, incidentals and convention expense ..	700.00
Telephone service	13,000.00
PBX Operator (C)	3,384.60
PBX Operator (D)	3,426.34
Salaries-Voting Machine Service	1,155.00
Voting Machines-Maintenance and transportation	600.00
<i>Provided</i> , the salary for voting machine employees shall be paid annually and that the County Board shall collect for the servicing and the use of machines for municipal elections held in Spartanburg County and that the same shall be placed in the general fund of Spartanburg County.	
Total, Section (E)	\$137,726.39
(F) Superintendent of Education	
Salary, Superintendent of Education	\$ 2,915.50
The total amount of salary for the Superintendent of Education from any State or County source shall not exceed \$8,637.81, and the above appropriation shall be adjusted accordingly.	
Travel—Superintendent of Education	915.00

The travel allowance for the Superintendent of Education is for travel within the County. Expenses for travel outside the County shall be approved by the County Board of Education.

Assistant Superintendent of Finance and Purchasing	6,235.75
Travel, Assistant Superintendent of Finance and Purchasing	400.00
Chief Clerk (A)	5,032.92
Clerk (B)	4,608.45
Clerk-Stenographer (D)	3,514.30
Clerk-Typist (part-time) (D)	2,007.80
Visiting Teacher—Chief	1,592.80
Travel—Visiting Teacher—Chief	800.00
Visiting Teacher	5,140.20
Travel—Visiting Teacher	600.00
Adult Education	10,000.00
Practical Nursing—Clerical Assistant	450.00
Practical Nursing—Nutrition Instruction ...	600.00
Practical Nursing—Books & Periodicals	400.00
Practical Nursing—asphalt tile for floor	650.00
Practical Nursing—office and lounge furniture and improvements	850.00
Supplement:	
School Lunch Supervisor	1,500.00
Assistant School Lunch Supervisor	900.00
Training and workshops	605.48

Total, Section (F)\$ 49,718.20

(G) Office of Special Auditor

Salary, Special Auditor	\$ 8,637.81
Mileage	50.00
Assistant Special Auditor (A)	5,362.92
Chief Clerk—Vital Statistics (B)	4,828.45
Senior Clerk (C)	3,852.95
Verification, Highway Fines	200.00
Vital Statistics	100.00

Total, Section (G)\$ 23,032.13

(H) Block Map Office	
Director	\$ 5,775.00
Draftsman (A)	4,678.00
Clerk-Typist (D)	3,384.60
Clerk—Field' Operator	3,798.33
Equipment and Supplies	1,670.00
Travel Expenses	1,200.00

Provided, such purchases are made under the direction of the County Board of Spartanburg County.

Total, Section (H)\$ 20,505.93

TOTAL ITEM 1\$399,398.66

ITEM 2. JUDICIAL DEPARTMENT

(A) Court of Common Pleas and General Sessions, Seventh Judicial Circuit	
Jurors, witnesses and bailiffs	\$ 30,000.00
Stenographer for Circuit Solicitor	693.00
Assistant Solicitor	5,115.00
Court Bailiff-Circuit and County Courts	3,031.88
Transcripts and Inquests	1,500.00
Circuit Court Stenographer	307.99
Printing Bar Roster	800.00
Law Library Services	1,540.00
Subscriptions, Publications and Equipment ..	2,400.00
<i>Provided</i> , that the Spartanburg County Bar Association pay the sum of \$600.00 to the support of the Spartanburg County Law Library.	

Total, Section (A)\$ 45,387.87

(B) County Court	
Salary, County Judge	\$ 12,243.00
Jurors, witnesses and bailiffs	22,500.00
Salary, Solicitor	6,003.12
Stenographer for Solicitor	727.65
Court Stenographer	4,851.00
The County Court Stenographer is authorized to charge the same rate for transcripts	

as the Circuit Court Stenographer charges
and such revenue shall accrue to the County
Court Stenographer.

Total, Section (B)	\$ 46,324.77
(C) Juvenile Domestic Relations Court	
Salary, Juvenile Domestic Relations Court	
Judge	\$ 10,175.00
Chief Probation Officer	6,135.00
Travel	1,200.00
Assistant Probation Officer	5,622.00
Travel	1,200.00
Assistant Probation Officer	5,622.00
Travel	1,200.00
Assistant Probation Officer	5,280.00
Travel	1,200.00
Court Reporter	4,851.00
Clerk (B)	4,446.43
Clerk (C)	3,568.54
Clerical Worker	3,426.34
Constable	5,197.84
Travel	2,400.00
Court Expense	4,600.00
Family Counselor	5,622.00
Travel	1,200.00
Total, Section (C)	\$ 72,946.15
(D) Civil Courts of Spartanburg	
Salary, Judge of Civil Court	\$ 7,470.54
Salary, Judge of Civil Court	7,470.54
Salary, Clerk-Stenographer (C)	3,994.80
Two constables @ \$5,197.84	10,395.68
Travel, two constables @ \$2,400.00 each	4,800.00
Clerk-Stenographer (C)	3,994.80
Clerk-Stenographer (C)	3,568.54
Clerk-Stenographer (C)	3,994.80
Clerk-Stenographer (C)	3,994.80
Jurors for Civil Courts	600.00
<i>Provided</i> , each juror is paid \$3.00 per day.	
<i>Provided</i> , that one of the above Clerks listed	

under the heading of "Civil Courts of Spartanburg" shall work every other week in the office of each of the Civil Judges.

Total, Section (D)	\$ 50,284.50
(E) Judge of Probate's Office	
Salary, Judge of Probate	\$ 8,637.81
Assistant to Judge of Probate (A)	5,362.92
Chief Clerk (B)	4,608.45
Senior Clerk (C)	3,852.95
Recording Clerk (D)	3,384.60
Recording Clerk (D)	3,254.91
Recording Clerk (D)	2,995.50
When the Probate Judge directs a lunacy case or cases to be carried to the State Hospital or similar institution in the State, it shall be the duty of the Sheriff to convey such prisoners in a county-owned car.	
Total, Section (E)	\$ 32,097.14
(F) Master's Office	
Salary, Master	\$ 8,637.81
Assistant to Master (A)	5,362.92
Clerk-Stenographer (C)	3,426.34
Clerk-Stenographer (C)	3,568.54
Total, Section (F)	\$ 20,995.61
TOTAL ITEM 2	\$268,036.04

ITEM 3. LAW ENFORCEMENT DEPARTMENT

(A) Office of Sheriff	
Personnel and Travel:	
Sheriff's Salary	\$ 11,550.00
Travel and Official Expenses of Sheriff	2,200.00
Deputy Sheriff, Salary	7,020.00
Travel and Expenses, Deputy Sheriff	1,800.00
Assistant Deputy Sheriff	6,240.00
Travel and Expenses, Asst. Deputy Sheriff	1,800.00
Chief Clerk	4,446.43
1 Chief of Rural Police	7,020.00

Travel and Expenses, Chief of Rural Police . .	1,800.00
1 Lieutenant	6,240.00
1 Lieutenant	6,240.00
6 Rural Police at \$5,200.00	31,200.00
12 Rural Police at \$5,720.00	68,640.00
2 Rural Police at \$4,940.00	9,880.00
4 Rural Police at \$4,680.00	18,720.00
4 Rural Police at \$4,680.00 (New)	18,720.00
17 Travels (2800 miles x 12 mo. x 9¢ per mile \$2,688.00)	51,408.00
3 Travels (2800 miles x 12 mo. x 9¢ per mile \$2,688.00) (New)	9,072.00

Provided, all appropriations for travel for the office of Sheriff, including all rural policemen and detectives, shall be paid on the basis of nine cents a mile for travel on official business upon duly itemized sworn statements filed with the County Board of Spartanburg County each month. Travel allowance for which payment is to be made for any one month shall not exceed more than 2,800 miles. *Provided*, further, no mileage payment is allowed if payment is made under any other appropriation contained herein. The County Board is authorized to pay any policeman who uses his own car that portion of the insurance premium which is charged to said officer by reason of the extra hazardous employment clause, such amount to be paid out of the general funds of Spartanburg County upon duly approved claims. *Provided*, further, Spartanburg County is limited to paying only the liability and collision damage insurance.

Detectives:

1 Captain	\$ 6,760.00
Travel and Expenses for Captain	1,800.00
3 Detectives at \$5,980.00	17,940.00
1 Records Clerk	5,980.00
1 Bookkeeper and Cashier	5,200.00
2 Radio Operators at \$5,200.00	10,400.00

1 Lieutenant	6,240.00
3 Jailors at \$5,200.00	15,600.00
Other Expenses:	
Identification work, etc.	1,500.00
For special work, identification and sundry expenses payable on demand of Sheriff.	
Clothing allowances for 34 uniform Rural Police	9,990.00
Clothing allowances for 4 Rural Policemen (new) @ \$235.00	940.00
<i>Provided</i> , not in excess of \$235.00 shall be allocated to any one policeman in any one year.	
Clothing allowances for 8 plain-clothesmen ..	1,600.00
<i>Provided</i> , not in excess of \$200.00 shall be allocated for any plain clothes officer during the year.	
Expenses for attending FBI School	1,500.00
<i>Provided</i> , the officer attending the School shall furnish the County Board an itemized statement of expenditures.	
Expenses for training Police Officers	1,000.00
Those serving as detectives, deputy sheriff and other plain clothes officers shall not receive in excess of one hundred sixty dollars each for clothes allowance. Such uniforms and clothes shall be paid for by the County Board upon receipt of an order approved by the Sheriff. All such uniforms, clothes, equipment and supplies furnished by the Sheriff's office to the rural policemen, jailors, and deputy sheriff shall be returned to the Sheriff's office immediately after such officer shall cease to be employed by the County, upon demand by the Sheriff.	
Repairs—Police Radios	1,200.00
Conveying Prisoners	3,600.00
<i>Provided</i> , there may be paid from the above appropriation meals, lodging, incidental expenses and travel to the extent necessary in	

the discharge of the duties of the office of Sheriff. *Provided*, further, this appropriation shall be disbursed at the rate of eight cents a mile upon itemized sworn statements filed with the County Board and approved by the Sheriff.

Prison Clothes	500.00
Dieting of Prisoners not confined at the County Jail not to exceed fifty cents per meal subject to approval of payment by Sheriff ..	500.00
Arsenal Replacement	300.00
Decals for Patrol Cars	100.00
Medicine, County Jail	600.00
Dieting Prisoners and Expenses	15,000.00

The Sheriff shall file with the County Board on the first day of each calendar month duly itemized and sworn to a statement giving the name of each prisoner each day.

The County Board of Spartanburg County is hereby directed to formulate plans for the operation of the County Jail pertaining to the purchasing of all food and supplies and the payment of bills. Such expenditures shall be paid out of the above appropriation for dieting and expenses.

Provided, the Sheriff is authorized and directed to manage and control the County Jail. *Provided*, further, the Sheriff shall have custody and control of all prisoners in the County Jail.

Constables:

Constables at Mills, 4 at \$1,134.78	4,539.12
<i>Provided</i> , such Constables are deputized by the Sheriff of Spartanburg County.	
Constables at Mills, 7 at \$1,134.78	7,943.46
Jackson Mill, Startex, Pacolet, Arcadia, Pelham, Appalache and Arkwright.	

Engineer and Maintenance City-County Police Radio	10,213.50
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Provided, the County pays \$10,213.50 and the City pays \$10,213.50 for the City-County Po-

lice Radio. *Provided*, further, the above appropriation shall be expended according to the budget submitted by the City of Spartanburg not to exceed a total amount of \$20,427.00 for County and City.

Provided, the operation of the City-County Radio and the Radio Engineer of the City-County Radio system shall be under and subject to the administrative control of the Sheriff of Spartanburg County insofar as County affairs are concerned. *Provided*, further, the County Board of Spartanburg County is hereby directed to pay no claim from this appropriation until same is itemized and approved by the Sheriff.

The Sheriff's Office shall collect, by checks payable to the Spartanburg County Treasurer, a fee of one dollar for each inquiry concerning the record or reputation of a person in regard to violation of the laws of the United States and of this State relating to liquor.

Total, Section (A)	\$394,942.51
(B) Coroner's Office	
Salary, Coroner	\$ 5,500.00
Travel	1,143.00
Coroner's Jury	1,500.00
Ambulance Service	100.00
Burial of Paupers	500.00
No pauper's coffin shall exceed twenty dollars.	
Post Mortems	1,500.00
No physician shall be paid in excess of fifteen dollars for an autopsy or five dollars for a post mortem.	
Folding Chairs	225.00
1 Desk and Chair	200.00
Total, Section (B)	\$ 10,668.00
(C) Magistrates and Constables	
Thirteen Magistrates at \$1,386 each	\$ 18,018.00

Expense, \$300.00 each	3,900.00
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Thirteen Constables for the County Magistrates at \$693.00 each per year	9,009.00
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Each Magistrate in Spartanburg County shall have authority to appoint one constable for each magisterial district, and each Judge of the Civil Courts of Spartanburg shall have authority to appoint one constable, all such constables to serve at such salaries as may be set in the annual appropriations act for Spartanburg County. The constables for each magistrate for Spartanburg County shall collect such fees and costs and mileage as are set forth in Sections 43-1017 and 43-1018 of the 1962 Code. Any fees accruing to the civil courts of Spartanburg shall be paid over to the general fund of the county. The County Board of Spartanburg County is authorized and directed to investigate the adequacy of the office space now used or to be used by the Magistrates of Spartanburg County. In such cases as the County Board deems necessary to rent an office for a Magistrate in order that he may more efficiently discharge his duties, the County Board may pay not in excess of \$35.00 per month rent from the general funds of the County. This rent is to be paid to the owner of the property by County warrant and such payment is not to accrue to such magistrate.

<i>Provided</i> , there is hereby appropriated for clerical work the sum of \$75.00 per month for the Magistrate at Greer	900.00
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Total, Section (C)	\$ 31,827.00
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(D) Parole-Probation

Senior Clerk (B)	\$ 4,284.40
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Provided, this appropriation for parole-probation clerk shall be reduced to the extent of

any revenue from the State or any other source
applicable to this work.

One Police Radio 474.83

Total, Section (D)\$ 4,759.23

Provided, that each magistrate handling over the median county-wide magisterial case load for the fiscal year ending June 30, 1965 (which is hereby established at 350) shall receive additional compensation at the rate of \$25.00 per year for every 50 cases or fraction thereof that he handled over and above the median for that year. It is hereby determined that for the fiscal year ending June 30, 1965, the following magisterial districts handled over the median, and that their case load for that year was as follows:

<i>District Number</i>	<i>Cases</i>	<i>Additional Compensation</i>
1	1,365	\$550.00
11	922	325.00
2	678	200.00
4	614	150.00
6	539	100.00
7	456	75.00
13	410	50.00
Total		\$ 1,450.00

TOTAL ITEM 3\$443,646.74

ITEM 4. ROADS AND BRIDGES

Total appropriations for the item are as follows:

Salaries:

Supervisor	\$ 8,637.81
Clerk (A)	4,828.82
1 Diesel Mechanic (C)	4,940.00
2 Truck Mechanics (A) at \$5,460.00	10,920.00
1 Electric Welder (A)	6,613.66
1 Tire and Yard Man (A)	5,200.00

1 Asst. Clerk and Warehouseman (A)	5,200.00
1 Bridge Foreman (A)	6,110.00
1 Asst. Bridge Foreman (C)	4,290.00
5 Camp Foremen (A) at \$5,720.00	28,600.00
11 Truck Drivers	56,765.64
2 Truck Drivers (A) at \$5,628.64	
1 Truck Driver (A) at \$5,518.28	
1 Truck Driver (A) at \$5,410.08	
5 Truck Drivers (A) at \$5,200.00	
2 Truck Drivers (C) at \$4,290.00	
1 Crane Operator (A)	6,191.51
13 Machine Operators	57,977.08
1 Machine Operator (A) at \$5,628.64	
1 Machine Operator (A) at \$5,518.28	
2 Machine Operators (A) at \$5,410.08	
4 Machine Operators (C) at \$4,290.00	
5 Machine Operators (D) at \$3,770.00	
30 Guards	118,407.64
2 Guards (A) at \$4,733.82	
6 Guards (A) at \$4,550.00	
6 Guards (B) at \$4,160.00	
9 Guards (C) at \$3,770.00	
7 Guards (D) at \$3,250.00	
1 Superintendent Surface-treating Department (A)	6,613.66
5 Extra Weekend Guards (D) at \$928.72	4,643.60
Total Salaries	<u>\$335,939.42</u>

Dieting Prisoners:

Average number of prisoners, 200 \$ 31,000.00

Clothing Prisoners:

Stripes, shoes, socks, underwear, jackets,
blankets, mattress covers, sheets, towels 10,000.00

Doctors and Medicine 3,600.00

Provided, the County Health Department is
directed to do the dental work of the prisoners
of the County Highway Department.

Supplies:

Includes tires, tubes, recapping, disinfectants,
matches, smoking and chewing tobacco, soap,

soap powder, cleaning compound, mops, brooms, signs, sledge hammers, nails, picks, shovels, axes, swing blades, beds and mattresses	42,000.00
Repairs to machinery, equipment, trucks and cars:	
Includes 50 pieces of heavy equipment and machinery, 65 trucks and 3 cars	48,000.00
Gasoline, Motor Oil, Fuel Oil, Diesel Oil and Grease	48,500.00
Office Supplies	750.00
South Carolina Sales Tax:	
Additional sales tax not charged on invoices by out-of-state companies	300.00
Miscellaneous Expense:	
Liability Insurance, License tags, power, water, telephone, expense conveying prisoners, Workmen's Compensation Insurance and freight	18,000.00
Clothing allowance for employees	7,100.00
<i>Provided</i> , no employee shall receive in excess of \$75.00 per annum.	
Surface Treatment and/or recapping of roads:	
Stone and Asphalt and labor	200,000.00
<i>Provided</i> , that \$50,000.00 shall become available immediately upon the passage of this act.	
Pipe and Bridge material	40,000.00
Machinery and Equipment:	
5 Tractors and Mowing Machines	15,000.00
1 Travel Loader	15,000.00
5 Snow Plows	3,000.00
Radio Equipment	7,000.00
Laundry Equipment	4,000.00
Signs and Paint	2,500.00
For establishment of land filling areas and equipping same and providing salary for operation	50,000.00
<i>Provided</i> , that any expenditure for the establishment of land filling areas and equipping same and providing salaries for the operation	

shall be approved by a majority of the Spartanburg County Legislative Delegation, including the Senators.

\$545,750.00

Provided, the remainder of the county's share of the gasoline tax received from the State, after using so much thereof as shall be necessary to pay interest and principal instalments coming due from the fiscal year 1966-67 on bonds issued or to be issued providing for surface treatments for the county, shall go into the general funds of Spartanburg County. The road tax shall also go into the general funds of the county. The above appropriation is inclusive of the gas tax and the road tax. The County Board shall have the right and authority and it shall be its duty to allocate, segregate and set apart and use or cause to be used so much of the sum appropriated above as it deems wise for the purpose of grading and preparing highways and expenses incident thereto for surface treatment. The County Board may, by written agreement, use a reasonable amount of any appropriation for Highway Department to match or secure any Federal aid available for highway work but such authority is not construed to affect, in any way, the operations and carrying out of the details provided for under the respective appropriations made for the department; but such authority is given in order that funds or grants may be received as a supplement to the items appropriated for.

Any balances unexpended in the accounts of the County Highway Department on June 30, 1966, may be used to purchase stone, asphalt, culverts, and bridge material.

Provided, that with the approval of the Spartanburg County Board of Control ten per cent

of the foregoing appropriations for the Highway Department for supplies and materials may be transferred to any of the other items for supplies, materials, doctors and medicine.

TOTAL ITEM 4\$881,689.42

ITEM 5. PUBLIC HEALTH AND WELFARE

(A) Charity Hospitalization

1. Spartanburg General Hospital Charity Patients\$475,000.00

Provided, this appropriation is hereby reduced to the extent of any funds received from the State Income Tax and allocated to Spartanburg County for hospital and charity service. All stenographic and clerical employees of the General Hospital shall be paid at a rate not in excess of equally rated employees in other departments of the county government where salaries are set by the terms of this act. The above appropriations shall include the operating expenses of the Woodruff Hospital as the trustees of the General Hospital shall deem necessary for the proper operation of the Woodruff Hospital. The Woodruff Hospital is hereby authorized and directed to take care of charity patients at the discretion of the trustees of the Spartanburg General Hospital. *Provided*, that the above appropriation for charity patients at the Spartanburg General Hospital and the Woodruff Hospital shall not be disbursed in excess of \$24.40 per charity patient per day. Spartanburg County is to pay this amount subject to the approval of the Charity Investigator. *Provided*, further, the County Board of Spartanburg County may adjust the amount to be paid per charity patient per day as they deem necessary from the beginning or any time during the fiscal year, but total payments cannot exceed the appropriation herein made less the deduction for

charity from State Income Taxes which were allocable to Spartanburg County. *Provided*, further, the County Board of Spartanburg County is authorized and empowered to transfer to the Spartanburg General Hospital from the appropriation to the General Hospital a sum not exceeding \$19,000.00 to provide for group insurance for hospital employees provided a sufficient number of employees avail themselves of this group insurance and pay fifty (50) per cent of the cost. *Provided*, further, not more than \$19,000.00 shall be expended for this group insurance.

	<hr/> \$475,000.00
Spartanburg General Hospital Charity Investigation:	
Investigator	7,470.54
Travel for Investigator	1,800.00
Clerk (B)	4,446.43
Clerk (C)	3,426.34
	<hr/> 17,143.31
2. Spartanburg T.B. Hospital	136,000.00
All stenographic and clerical employees shall be paid at a rate not in excess of equally rated employees in other departments of the county government where salaries are set by the terms of this act. Notwithstanding any other provision of this act, the above appropriation may be apportioned monthly as the County Board may direct. Any fees paid by patients in the Spartanburg Tuberculosis Hospital, for medical services of the Director, shall go into the general funds of Spartanburg County effective upon the passage of this act.	
	<hr/> 136,000.00

3. Repairs and Alterations and Insurance	5,000.00
	<hr/>
	5,000.00
	<hr/>
Total, Sections (A) 1, (A) 2, (A) 3	\$633,143.31
(B) County Health Department	
Salaries and salary adjustments for Federal funds	\$103,140.00
Travel, incidentals, milk and meat inspection	42,546.00
Dental health work	15,500.00
Rabies control program	5,868.00
Insect and rodent control	13,060.00
Auxiliary health centers	6,000.00
T.B. drugs	6,423.00
All duties pertaining to the inspection of meat and milk as set forth in the regulations of the State Board of Health shall be performed by the County Health Department for Spartanburg County, including Spartanburg City.	
<i>Provided</i> , the County Board of Health may accept funds from other private or government agencies to employ staff for the purpose of providing additional public health services requested by those agencies.	
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Total, Section (B)	\$192,537.00
(C) Department of Public Welfare	
Travel (12) for Child Welfare workers at \$40.00 each per month	\$ 5,760.00
Children's Home for boarding home care, medical, dental and other basic needs	22,500.00
Special Emergency Fund	20,000.00
Medicine	7,000.00
Supplement, county welfare employees	7,200.00
Social Security and Retirement	698.40
Office and incidental expenses	500.00
For installation of adequate telephone service	3,500.00
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Total, Section (C)	\$ 67,158.40

- (D) Mountain View Home for the Aged
Maintenance and improvements and care of
aged, indigent and chronically ill\$ 60,000.00
The County Board is hereby authorized to
enter into an agreement with any private ele-
mosynary corporation providing for the leas-
ing of the facilities of the County Home at a
nominal rental and to use the remainder of the
above appropriation for the care of the aged,
indigent and chronically ill of Spartanburg
County in connection with such lease agree-
ment.

Total, Section (D)\$ 60,000.00

- (E) Mental Health Clinic
Operating expenses, year ending June 30,
1967 (prorated with Cherokee and Union
Counties according to use)\$ 21,761.00
Building appropriation to be used with match-
ing Federal funds 25,000.00

Total, Section (E)\$ 46,761.00

- (F) County Service Officer
County Service Officer\$ 6,670.13
Travel—Service Officer 1,143.00
Secretary (D) 3,125.20

The County Service Officer or his assistant
must be a veteran of World War II, and the
employees shall observe the same working
hours as those that prevail at the County
Courthouse. Any unused funds in the appro-
priation for the fiscal year ending June 30,
1967, shall be credited to Public Buildings
Account for equipment and service rendered.
If the funds provided by the State are not ad-
equate to pay the above appropriations, the
excess shall be paid out of the general county
funds. The County Service Officer shall be
paid eight cents a mile for the number of
miles traveled on official business upon an

itemized sworn statement submitted to the
County Board.

Woodruff Service Officer	500.00
Chesnee Service Officer	500.00
Inman Service Officer	500.00

Total, Section (F)\$ 12,438.33

(G) Speech and Hearing Clinic\$ 25,000.00

Provided, this appropriation is made upon
the specific condition that all revenue and
contributions to the clinic for the fiscal year
ending June 30, 1967, shall be no less than
the total receipts for the fiscal year ending
June 30, 1966, exclusive of this appropriation.

Total, Section (G)\$ 25,000.00

TOTAL ITEM 5\$1,037,038.04

ITEM 6. AGRICULTURE, FORESTRY AND RELATED AGENCIES

(A) County Farm Agent's Office

County Agent, Salary	1,386.00
Home Demonstration Agent, Salary	330.00
Assistant County Farm Agents (3) \$660.00 each	1,980.00
Associate County Agent, Salary	990.00
Associate Home Demonstration Agent	935.00
County Farm Agents' Stenographer, Salary ..	792.00
Home Demonstration Agent's Stenographer, Salary	198.00
Clerical help, Associate Agents	2,530.00
Supplies, County Extension Office	700.00
4-H Club Calf Chain	1,250.00
Boys' and Girls' 4-H Club	700.00
F. F. A. Calf Chain	1,250.00

Total, Section (A)\$ 13,041.00

(B) Forestry

Wardens, 3 at \$55.00 a month each	\$ 1,980.00
Towerman, 1 at \$27.50 a month	330.00

Tractor driver, 1 at \$27.50 a month for twelve months	330.00
Ranger, 1 at \$55.00 a month	660.00
Forestry and Park needs	500.00

Total, Section (B)\$ 3,800.00

TOTAL ITEM 6\$ 16,841.00

ITEM 7. PUBLIC BUILDINGS

(A) Department of Maintenance	
Superintendent, Maintenance	\$ 5,316.70
Foreman	3,891.60
Foreman	3,891.60
Foreman	3,593.34
Carpenter	4,138.28
Janitor service	26,000.00
Supplies	5,500.00
Repairs and miscellaneous services	5,000.00
Utilities (heat, lights, etc.)	23,500.00
Grounds—upkeep	2,500.00

Total, Section (A)\$ 83,331.52

(B) Insurance\$ 7,250.00

Total, Section (B)\$ 7,250.00

TOTAL ITEM 7\$ 90,581.52

ITEM 7A. SPARTANBURG MEMORIAL AUDITORIUM

Spartanburg Memorial Auditorium Commission, maintenance and upkeep	\$ 6,000.00
Payment on note of Auditorium for air conditioning	10,000.00
<i>Provided</i> , these sums are appropriated contingent upon the appropriation by the City of Spartanburg of equal amounts for maintenance and upkeep, and air conditioning notes.	

TOTAL, ITEM 7A\$ 16,000.00

ITEM 7B. SPARTANBURG COUNTY LIBRARY

Spartanburg County Library\$122,000.00

This appropriation is for maintenance and operation of the Spartanburg County Library and the purchase of books.

Provided, the above appropriation is made upon the condition that the County Library Board shall adopt a schedule of salaries based upon efficiency and length of service. Further, this appropriation is in addition to the one mill tax levy as now provided for the Library. *Provided*, further, that in the event that Spartanburg County Library becomes a part of a Regional Library such additional qualifying funds may be paid out of the general funds of the county upon approval of a majority of the delegation, including the Senator.

Provided, all employees shall be granted a ten per cent increase in salaries.

TOTAL ITEM 7B\$122,000.00

ITEM 7C. Architectural and engineering fees for plans on Library building at Landrum\$ 3,000.00

Provided, the County Board is authorized to pay from the general funds of the County the sponsors cost not to exceed \$15,012.00; *provided*, further, that the funds herein appropriated are contingent upon State Library funds and Federal Appalachia funds being made available for the construction of such library.

TOTAL ITEM 7C\$ 3,000.00

ITEM 8. MISCELLANEOUS APPROPRIATIONS

City of Greer 200.00

This appropriation is to be used for Greer Public Library for the benefit of citizens of Spartanburg County.

Y. M. C. A. for summer camp 1,500.00

Volunteer Fire Departments 16,500.00

The sum of \$500.00 is hereby appropriated to each Volunteer Fire Department in Spartanburg County which is a member of the South Carolina Firemen's Association which is recognized and classified by the Southeastern Underwriters Association.

Operation and maintenance of fire alarm system	3,700.00
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Arkwright and Cherokee Springs Fire Departments' radios and equipment	3,600.00
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The above appropriation to be expended upon the direction of the Volunteer Fire Chiefs Association.

Assist City of Spartanburg in acquisition of rights of way North Church Street Project..	50,000.00
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National Guard Units:

Spartanburg City	750.00
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Spartanburg City	750.00
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Spartanburg City	750.00
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Spartanburg, medical	750.00
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Lyman (1)	750.00
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Inman	750.00
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Woodruff	750.00
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Inman	750.00
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Pacolet	750.00
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Greer	375.00
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The appropriation for Greer is contingent upon Greenville County paying an equal amount.

Delegation transferable fund	10,000.00
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Registration Board	3,988.60
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Clerk	3,852.95
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Travel, Registration Board

Civil Air Patrol, for maintenance and operation of planes and motor equipment	1,500.00
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Spartanburg Planning and Development Board	36,000.00
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Provided, all claims are itemized and approved by a majority of the board, including the chairman.

The foregoing amount shall be expended as follows:

TOTAL PROGRAM—Industrial, Economic	
<i>Development:</i>	Annual Cost
Mobilization for Economic Development (sec-	
retarial assistance, staff assistance, office sup-	
plies and services, telephone, etc.)	\$ 10,200.00
Travel	2,400.00
Special studies	2,400.00
<i>Planning:</i>	
Initial year's program, to be matched with	
Federal funds to large degree	16,000.00
<i>Contingency:</i>	
For special requirements relating to industrial	
development	5,000.00
Total	\$ 36,000.00
Spartanburg Auxiliary Police Department	\$ 2,000.00
Civil Defense	
TOTAL ITEM 8	\$139,966.55

ITEM 9. BONDS AND INTEREST

Ordinary County Bonds	\$302,000.00
Interest	94,570.00
Commission	499.84
TOTAL ITEM 9	\$397,069.84

Any surplus on hand at the close of the fiscal year or period shall be applied to the payment of the principal or interest on bonds maturing in the current year or any subsequent year, thereby reducing the levy proportionately; but the County Board of Spartanburg County may use such surplus funds to meet the payment of items appropriated for until taxes are available for payment of such items and for replacing of surplus funds allocated for payment of bonds and interest. The above appropriation shall include July 1, 1967, principal and interest payments.

Technical Training School Bonds and Interest maturities payable from one mill special levy and not to be included in appropriation totals.

Principal	\$ 37,000.00
Interest	16,073.00
Commission	90.65
Total	<u>\$ 53,163.65</u>
TOTAL ITEMS 1-9	<u>\$ 3,815,267.81</u>

SECTION 2. The County Board of Spartanburg County is hereby directed to pay out of the general funds of the county travel expense at the rate of eight cents per mile for miles traveled in the performance of duties of all county boards and commissions which do not receive any compensation for services.

SECTION 3. The County Board of Spartanburg County shall have full authority to make such regulations and contracts for the purchase of calves from the appropriation of calf chains as it deems necessary and proper for promoting the development of better dairy cattle in Spartanburg County.

SECTION 4. The Board of Assessors and Equalization for outside the city shall be paid twelve dollars and fifty cents each per day and nine cents per mile one round trip.

SECTION 5. The appropriations in the annual appropriations act shall cover salaries of officials and shall be in lieu of all fees, costs and other compensations and all fees and costs collected by each of them shall be turned over by them each month to the county treasurer for the benefit of the county as provided by law. All interest earned from funds invested in securities by the county treasurer and all interest on delinquent taxes shall be credited to the general funds of the county by the county treasurer.

SECTION 6. It is hereby directed that all boards of Spartanburg County shall at all times hold open sessions to the public. However, the right is reserved to all boards to have executive sessions similar to the rights reserved to the General Assembly in the State Constitution.

SECTION 7. The balances shown to the credit of the following departments for the fiscal year ending June 30, 1966, are hereby authorized to be carried forward and added to the appropriation or appropriations for the fiscal year 1966-1967, for necessary maintenance and operations: Mountain View Home for the Aged, Public

Buildings, T. B. Hospital, General Hospital, County Highway Department Maintenance and Road Improvement, County Health Department, Spartanburg County Library and Law Library. The appropriation balance for the Block Map System, on June 30, 1966, shall be carried forward for the fiscal year ending June 30, 1967, and shall be expended upon the authorizations of a majority of the legislative delegation, including the Senator, in the majority. The balance on hand on June 30, 1966, of the Planning and Development Commission, shall be carried forward to the fiscal year 1966-1967. The county board shall make such rules and regulations as they deem proper for the operation and maintenance of the voting machines of Spartanburg County and shall regulate the payment of the appropriations made therefor in such manner as they consider adequate and any unexpended balances or accruals may be carried forward at the end of the fiscal year. The balance on hand on June 30, 1966, of the Juvenile Domestic Relations Court, shall be carried forward in the Court Expense Fund to the fiscal year 1966-1967.

SECTION 8. The County Board of Spartanburg County is hereby authorized to have an audit made of the affairs and doings of the offices, departments and officials of Spartanburg County by a certified public accountant for the fiscal year ending June 30, 1967. The board is authorized to invite bids from qualified certified public accountants for the work to be performed and to accept or reject any and all bids. *Provided*, however, final acceptance of a bid shall be subject to the approval of a majority of the county delegation given at a duly and regularly called meeting thereof.

The person or firm making the audit shall, in addition to the audit itself, be required to make a report of its findings, conclusions and recommendations to the county board with respect to improvement of accounting practices in various offices and departments of the county. The County Board of Spartanburg County is authorized to investigate and make recommendations to the county delegation concerning any deficiencies in any department of Spartanburg County.

SECTION 9. For the court of general sessions and county criminal court there shall be not more than three bailiffs, who shall receive not in excess of ten dollars each per day. For the court of common pleas and county civil court there shall be not more than two bailiffs, who shall receive not in excess of ten dollars per day. Jurors for the circuit court and the county court shall receive a per diem of ten

dollars each per day in addition to the mileage as now provided by law. There shall be appointed by the resident circuit judge a court crier who shall act also as a bailiff at all terms of court. Jurors of the coroner's jury and magistrates of the county shall receive three dollars each per day.

SECTION 10. All expenditures for the operation of the Spartanburg County Technical Training Center shall be on approval of a majority of the legislative delegation, including the Senator.

SECTION 11. Any contracts or agreements for the expenditure of funds in this appropriation act for the operation of the joint city-county radio station shall not obligate Spartanburg County unless previously approved by the Spartanburg County Delegation.

SECTION 12. Expenditures from the Delegation Transferable Fund and authorizations by the delegation shall be made upon approval of a majority of the delegation, including the Senator, at a duly and regularly called meeting and upon written certification thereof by the secretary to the county board of control.

SECTION 13. The County Board of Spartanburg County shall make provision for Workmen's Compensation coverage of all employees of Spartanburg County to which it may be applicable. The following departments of Spartanburg County shall keep separate records for Workmen's Compensation Insurance and pay the premiums therefor from their own budgets:

- Spartanburg General Hospital, including Woodruff Hospital
- County Highway Department
- Spartanburg Tuberculosis Hospital
- County Health Department
- The County Board of Spartanburg County
- Spartanburg County Library

The County Board of Spartanburg County shall make such payments as necessary for police retirement under the South Carolina Retirement System and shall also pay employer's portion of social security and retirement for employees of the county health department.

SECTION 14. The County Board of Spartanburg County shall disburse all appropriations provided herein for travel for all county employees on sworn itemized statements of the employee that the travel was performed in carrying out the duties of his or her job and on actual business of the county, at the rate of nine cents per mile.

The board is authorized to prescribe such further rules and forms as will carry out the purposes of this section. *Provided*, the amount paid out by the county board shall not exceed the amount provided by the terms of this act.

SECTION 15. The Bureau of Vital Statistics is hereby authorized to make a search of records and furnish a statement of age or other data without charge. This does not apply to the usual fee for the certification of any record. The special auditor is required to audit only the records of the General Hospital kept by the county.

For persons born in Spartanburg County since January 1, 1915, certificates of birth are to be issued on a similar basis as the State Board of Health issues certificates. For persons born prior to January 1, 1915, only persons born in Spartanburg County may register their birth with the Vital Statistics Department, and in addition to the items listed in the 1962 Code, documentary proof of age and place of birth must be submitted and such evidence must be over five years old. The above provisions are in addition to the regulations now effective.

SECTION 16. The County Board of Spartanburg County is authorized and directed to administer and regulate salaries and wages of employees and clerical help provided for in this act in accordance with the salary schedule classification and policies as set forth in the survey adopted for Spartanburg County. Salary adjustments in accordance with salary schedule are to become effective from the date of employment and any increase shall be paid out of the general funds of the county. All employees provided for in Items 1 and 2 of Section 1 who have been continuously employed by the county for fifteen or more years and are classified as either "A" or "B+" and Court Reporter for Juvenile-Domestic Relations Court of similar length of employment shall receive an additional three hundred dollars per year as salary over and above that established by the classification schedule, and all employees provided for in Items 1 and 2 of Section 1 who have been continuously employed by the county for fifteen or more years and are classified as "B" shall receive an additional two hundred dollars per year as salary over and above that established by the classification schedule.

The base pay of Probation Officers and Family Counselors in the Juvenile-Domestic Relations Court shall be \$5,280.00 annually, and they shall receive longevity increases at the end of their first, third,

fifth, seventh, and tenth years of service at the rate of \$171.00 per year, the same to be accumulative.

This additional amount has been included in the appropriations set forth in Items 1 and 2 of Section 1.

SECTION 16A. As soon as practicable after the end of the fiscal year 1965-66, the county board shall determine the amount by which the county's total revenues or receipts from all sources exceeded the sum of (a) actual expenditures for normal maintenance and operation of the county government for the fiscal year 1965-66, (b) unexpended balance of any continuing appropriations outstanding at the end of the fiscal year 1965-66, and (c) whatever amount is found necessary to bring the reserve fund to three hundred thousand dollars.

These excess revenues so determined shall be placed by the county treasurer in a special account to be known as the "Capital Improvement Account" and disbursements for capital improvements may be authorized and directed by a majority of the county legislative delegation, including the Senator. *Provided*, the funds may be expended for appropriations made by this act if cash is unavailable.

SECTION 16B. The County Board of Spartanburg County is hereby authorized to pay any interest on county and school expense notes out of the general funds of Spartanburg County; also, any expense of issuing bonds.

SECTION 17. In all instances wherein a federal agency occupies space in any public building owned by Spartanburg County, and all of its administrative or operating costs may be paid by the federal government or any department thereof, the County Board of Spartanburg County shall charge and collect the sum of \$0.835 per annum for each square foot of space occupied by such agency, the same to be applied to the maintenance and utility costs of such public building. Further, in all instances wherein a state, area, district or county association, committee, board or organization may receive, either directly or indirectly, all of its administrative or operating costs from the federal government or any department thereof, the County Board of Spartanburg County shall charge and collect the sum of \$0.835 per annum for each square foot of space the agency, association, committee, board or organization occupies in the public building. The above stated amount shall be charged and collected if the entire administrative or operating costs of the agency, association, committee, board or organization may be ultimately borne by the federal govern-

ment or any department thereof, and without regard to who actually administers the federal funds at any stage. The above charges and collections shall be collected either monthly or quarterly. *Provided*, the county board is authorized to provide rules and regulations governing the occupancy of the new courthouse and the use of the county courthouse parking lots.

SECTION 18. Each and every official and employee of Spartanburg County is prohibited from receiving any compensation or reimbursement whatsoever from any individual, person, firm or corporation in addition to the amounts appropriated or provided for in this act.

The County Board of Spartanburg County, subject to the same limitations as are imposed upon the purposes for which taxes may be levied or bonds issued by Article X, Section 6 of the Constitution, is authorized and directed to make any contracts deemed necessary and advisable for the furnishing of services, information, use of equipment, labor of officials and employees and materials to such persons or agencies as may be determined from time to time by the county board. The charges for such shall not be less than the actual costs to the county for services, time involved, materials and use of equipment as may be determined by the county board. *Provided*, however, the county board shall not contract to furnish any service that was not being furnished on the effective date of this act without prior approval of the majority of the county legislative delegation. Each and every county official and employee is hereby authorized and directed to comply with and perform any such contracts and agreements as may be entered into by the county board from time to time.

This provision shall apply when any county records or information and the time of any official or employee is used or furnished.

All revenue from all work, materials, and use of equipment authorized by the county board shall be remitted to the county treasurer and credited by the county treasurer to the general fund of Spartanburg County.

SECTION 19. The county board shall not employ any expert or contract to pay for any study or survey without approval by a majority of the county legislative delegation.

SECTION 20. The county board of control is hereby authorized and directed to execute and deliver a deed or deeds under such terms

and conditions as the legislative delegation may approve in writing, to all of that real estate now occupied and used by the Spartanburg County Freezer Locker Plant and/or the Spartanburg Curb Market, which properties are located on the Asheville Highway and Kennedy Street, respectively. The funds so received shall be placed in the general fund with the county farm land money. The funds now on hand in this act shall also be credited to the general funds of the county.

SECTION 21. The County Board of Spartanburg County is hereby authorized and empowered to provide for group insurance for county employees as set forth in the prospectus submitted to the legislative delegation and on file in the office of the county board; *provided*, a sufficient number of employees avail themselves of this group insurance and pay fifty per cent of the cost. *Provided*, further, not in excess of fifteen thousand dollars is to be expended of general funds of the county to pay the pro rata share of the county.

SECTION 22. The County Board of Spartanburg County is authorized and directed to administer and regulate salaries and wages of Law Enforcement Officers and other employees of the sheriff's department (other than those classified under Section 16 of this act) in accordance with the classification system for that department dated February 24, 1966, which shall be filed with the county board forthwith.

Salary adjustments, to the extent they may not be provided for by the specified appropriations herein made, shall be paid out of the general funds of the county.

Salary adjustments in accordance with the pay prescribed for each job in the classification system are to become effective from the date of employment with credit for additional service as set forth in the plan for classification.

SECTION 23. The County Board of Spartanburg County is authorized and directed to administer and regulate salaries and wages of the Spartanburg County Supervisor's Department (other than those classified under Section 16 of this act) in accordance with the classification system for that department dated May 9, 1966, which shall be filed with the County Board forthwith.

SECTION 24. The County Board of Spartanburg County is hereby authorized and directed to transfer from the general funds of Spar-

tanburg County a sum not exceeding twenty-five thousand dollars, at one time or in installments as necessary, to the Spartanburg County Technical Education Center in order that payrolls may be met from July 1, 1966, to such time as the collection of taxes of the said Center are available for repayment of this advance to the general funds of the county. The sum of thirty-five thousand dollars is hereby appropriated in addition to the above sum for use by Spartanburg County Technical Education Center with matching federal funds. *Provided*, that the sum of thirty-five thousand dollars shall become available upon the signing of this act by the Governor.

SECTION 25. The Director of the Spartanburg Area Civil Defense shall file each month with the County Board of Spartanburg County itemized statements of all expenditures of this department.

SECTION 26. There shall be filed in the office of the County Board of Spartanburg County eighteen copies of the minutes of each agency and department of Spartanburg County. Copies shall be made available for each member of the legislative delegation at the county board office, Spartanburg, South Carolina.

SECTION 27. With the prior approval of the Spartanburg County Board of Control, the county treasurer may waive collection of penalties and interest in the following circumstances:

(a) When payment of taxes has been timely tendered but erroneously declined by the treasurer;

(b) When the taxed property has been properly returned but was erroneously omitted from the auditor's tax digest;

(c) When there has been an increase in the assessed value of the taxed property by the South Carolina Tax Commission after the taxpayer has timely paid his taxes on the original assessment.

Further, the treasurer may accept partial payment of taxes on personal property from former residents of the county who have removed the property from the State.

SECTION 27A. All offices located in the Courthouse shall close on Saturdays of each week for the months of June, July and August. *Provided*, that during these months such offices shall be opened from 8:30 a. m. to 5:00 p. m. Monday through Friday, except on legal holidays.

SECTION 28. Estimated Revenue, Spartanburg County, South Carolina, for year ending June 30, 1967.

State Aid:

Gasoline Tax	\$605,000.00
Less: Road Bonds	\$151,962.88 \$453,037.12
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Alcoholic Liquor Tax	\$199,000.00
Bank Tax	19,500.00
Beer and Wine	50,000.00
Income Tax	335,000.00
Insurance License Fees	162,000.00 \$765,500.00
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Net State Aid	\$1,218,537.12

Other Sources:

Miscellaneous	\$ 40,000.00
Interest on Invested Money ...	70,000.00
Fines and Licenses	180,000.00
Fees and Costs	130,000.00
Delinquent Taxes	100,000.00
Cost and Interest, Delinquent Taxes	50,000.00
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Total Other Sources\$570,000.00

Ad Valorem Tax:

31 mills (\$75,000,000)	\$2,208,750.00
Less abatements	100,000.00
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\$2,108,750.00

Total Estimated Revenues	\$3,897,287.12
Less: Special Acts	90,000.00
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\$3,807,287.12

End of Part I

Part II

Permanent Provisions

After the effective date of this act, as regards Spartanburg County, in any statute the words "majority of the legislative delegation, in-

cluding the Senator" shall mean a majority of the legislative delegation, including a majority of the Senators.

End of Part II

This act shall take effect upon approval by the Governor.

Approved the 13th day of June, 1966.

(R1404, H2676)

No. 1411

An Act To Authorize The Spartanburg County Board Of Control To Issue And Sell Not Exceeding Six Hundred Thousand Dollars Of Coupon Bonds Of Spartanburg County, The Proceeds Thereof To Be Used For The Construction Of Additional Technical Training Facilities In Spartanburg County, And To Provide For A Tax To Pay The Bonds And The Interest Thereon.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Spartanburg County may issue bonds.—The Spartanburg County Board of Control is hereby authorized to issue bonds of Spartanburg County to finance the construction and equipping of additional technical training facilities in Spartanburg County. The aggregate principal amount of the bonds shall not exceed six hundred thousand dollars. The bonds shall be issued either all at one time or from time to time, and shall be issued in such denominations and shall bear such rate or rates of interest, payable semiannually, as may be determined by the county board. They shall be serial bonds maturing in annual series, or installments, of one or more bonds each, the first of which series, or installments, shall be due and payable not more than one year after the date of the bonds and the last not more than twenty years after such date. Such annual series, or installments, may be equal or unequal in amount, but none shall be greater than twice the amount of any previously maturing series, or installment. The principal and interest of the bonds may be made payable within or without the State of South Carolina, and in such medium of payment as may be indicated on the face of the bonds.

SECTION 2. Form.—The bonds shall be issued as coupon bonds, payable to bearer, but may be issued with the privilege to the holder of

having them registered as to principal on the books of the county treasurer, and the principal thus made payable to the registered holder, unless the last registered transfer shall be to bearer, upon such conditions as the Spartanburg County Board of Control may prescribe. The bonds shall be signed by the members of the county board, or a majority thereof, and countersigned by the Clerk of the Spartanburg County Board of Control, and the seal of the Spartanburg County Board of Control shall be affixed to, or impressed on each bond; but the coupons of the bonds need not be authenticated otherwise than by a facsimile signature of the county treasurer.

SECTION 3. Sale.—The bonds shall be sold by the county board to the highest bidder for cash upon such advertisement as the county board shall deem proper. The county board may reject any and all bids which in their judgment would not be to the best interests of the county.

SECTION 4. Exempt from taxes.—The bonds shall be exempt from all State, school and municipal taxes.

SECTION 5. Payment.—For the payment of the principal and interest of all bonds issued pursuant to this act, as they respectively mature, and for the creation of such sinking fund as may be necessary therefor, the full faith, credit and taxing power of the county shall be irrevocably pledged, and there shall be levied annually by the Auditor of Spartanburg County, and collected by the Treasurer of Spartanburg County, in the same manner as county taxes are levied and collected, on all taxable property in the county, a tax sufficient to pay the principal and interest of the bonds as they respectively mature and to create such sinking fund as may be necessary therefor. *Provided*, that notwithstanding the provisions of Section 65-1570 of the 1962 Code, as amended, no property owned by any industrial or manufacturing establishment shall be exempt from the levy herein provided.

SECTION 6. Proceeds.—The proceeds of the sale of the bonds shall be paid to the county treasurer and deposited in a special account, to be disbursed for the purposes stated in Section 7 by the county treasurer on warrants drawn thereon by the Spartanburg County Commission for Technical Training upon properly itemized and sworn statements of the commission.

SECTION 7. Technical Training Commission shall construct additional facilities.—From the proceeds of the bonds authorized by

this act, the Technical Training Commission for Spartanburg County shall construct and equip additional technical training facilities in Spartanburg County.

SECTION 8. Savings clause.—The sections and provisions of this act are separable and not matters of mutual essential inducement, and it is intended to confer the whole or any part of the powers herein provided for; and if any of the sections or provisions or parts thereof are for any reason declared unconstitutional, it is intended that the remaining sections and provisions or parts shall remain in full force and effect.

SECTION 9. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 8th day of June, 1966.

(R1414, H2748)

No. 1412

An Act To Make Supplemental Appropriations For Spartanburg County For The Fiscal Year 1965-1966 From The General Fund Of The County.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. There is hereby appropriated from the General Fund of Spartanburg County, as a supplemental appropriation for the fiscal year 1965-1966, the following:

Tax Equalization (to be taken from surplus)	\$175,000.00
Conversion Civil Defense Sirens to meet Federal regulations	750.00
Two constables—Civil Judges	2,388.74
Assist City of Spartanburg in acquisition of rights of way North Church Street Project	50,000.00
Radio and Civil Defense equipment Low bid, B. F. G. Sales Co., plus sales tax	3,692.54
Special Election to fill vacancy of Superintendent of Education	4,337.35
Servicing and modernizing County Voting Machines (C) Secretary to Registration Board and Election Commission	2,500.00
	1,097.04

FFA Calf Chain (White)	\$1,000.00	
FFA Calf Chain (Colored)	250.00	
		<hr/>
		1,250.00
Camera and Film developing for Sheriff's Department		1,588.75
Architectural fees and Consultation fees by Hospital, not to exceed		8,000.00
Committee Study in Institutional Patient Care in Spartanburg County		700.00
Preliminary planning funds for project at General Hospital		2,000.00
Overtime approved for Clerk of Court Office		341.79
Clerk of Court (reimbursed for some counterfeit bills received in his office)		40.00
Extra clerical help for Registration Board		1,100.00
Adult Education		1,000.00
Civil Defense		700.00
Social Security and Retirement Department of Public Welfare		225.00
Mentally Ill		400.00
Insurance, County-owned Cars		300.00
Operation, County-owned Cars		3,000.00
Stationery and supplies, all County offices		10,000.00
Telephones		500.00
Transcripts of Inquests		1,250.00
Jurors—Civil Courts and Magistrates		500.00
Travel—Constable—Domestic Relations Court		541.00
Jurors, witnesses and bailiffs—Court of Common Pleas and General Sessions		4,000.00
Jurors, witnesses and bailiffs—County Court		1,500.00
Engineer and maintenance, City-County Police Radios		3,400.00
Medicine		500.00
Expense, Jail		3,500.00
Janitor's salary		1,000.00
Supplies		2,000.00
Matching Hospitalization Fund		300.00

Payment of Installment Loan

Sinking Funds & Property Division due 5/7/66

Principal	\$3,600.00
Interest	288.00

	3,888.00
Ballot boxes	1,600.00
Mental Health Clinic	4,500.00
Bridge and pipe material	12,000.00
Vocational education survey	6,000.00
Recording machine county court reporter	1,500.00
Data Processing	12,500.00
Spartanburg County Freezer Locker Plant—	
Operating Expenses	3,000.00

GRAND TOTAL\$334,390.21

SECTION 2. This act shall take effect upon approval by the Governor.

Approved the 13th day of June, 1966.

(R738, H1934)

No. 1413

An Act To Authorize The County Board Of Commissioners Of Sumter County To Issue General Obligation Bonds Of Sumter County In The Amount Of Not Exceeding Eight Hundred Thousand Dollars, In Order To Provide Funds For The Construction Of Buildings For A Branch Of Clemson University To Be Located In Sumter County, To Prescribe The Conditions Under Which The Bonds May Be Issued, And To Make Provision For The Payment Of The Bonds.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Findings of General Assembly.—The General Assembly finds that the Board of Trustees of Clemson University proposes to construct a branch of Clemson University in Sumter County, to be known as Clemson University at Sumter, if Sumter County will make available to the Sumter County Commission for higher Education the sum of eight hundred thousand dol-

lars, to be used for the construction and equipping of appropriate buildings. The General Assembly finds that the applicable provisions of the Constitution of South Carolina, as judicially construed by the Supreme Court of South Carolina (*Smith v. Robertson et al.*, 210 S. C. 99, 41 S. E. 2d 631, 1947), permit the issuance of bonds for this purpose and that the cooperation of Sumter County with the Trustees of Clemson University is lawful and proper and will serve a justifiable and worthy purpose. It has therefore determined to authorize the County Board of Commissioners of Sumter County to raise the sum of eight hundred thousand dollars through a sale of general obligation bonds of Sumter County and to pay over the principal proceeds thereof (less any expenses incurred in the issuance of the bonds) to or on behalf of the Sumter County Commission for Higher Education.

SECTION 2. Sumter County may issue bonds.—The County Board of Commissioners of Sumter County is authorized to issue not exceeding eight hundred thousand dollars of general obligation bonds of Sumter County for the purpose of assisting in the establishment of a branch of Clemson University in Sumter County. The bonds shall be issued either as a single issue or, from time to time, as several separate issues not to exceed eight hundred thousand dollars.

SECTION 3. Maturity.—All bonds issued pursuant to this act shall mature in such annual series or installments as the county board shall provide for, except that the first maturing bonds of any issue shall mature not later than two years from the dates as of which they shall be issued; and no bond shall mature later than twenty years from the date as of which it shall be issued.

SECTION 4. Redemption.—Any bond issued pursuant to this act may be issued with a provision permitting its redemption prior to its stated maturity at par and accrued interest, plus such redemption premium as may be prescribed by the county board, but no bond shall be redeemable prior to its stated maturity unless it contains a statement to that effect. In the proceedings authorizing the issuance of such bonds, provision shall be made specifying the manner of call and the notice thereof that must be given as to bonds made redeemable prior to their stated maturities.

SECTION 5. Form.—The bonds issued pursuant to this act shall be in the form of negotiable coupon bonds, payable to bearer, but may be

issued with the privilege to any holder of having them registered as to principal on the books of the Treasurer of Sumter County, upon such conditions as the county board may prescribe. Except when so registered, all bonds issued pursuant to this act shall have all attributes of negotiable instruments under the law merchant and the negotiable instruments law.

SECTION 6. Denominations—where payable.—The bonds issued pursuant to this act shall be of such denomination and shall be made payable at such places, within or without the State, as the county board shall provide.

SECTION 7. Interest.—Bonds issued pursuant to this act shall bear interest at rates determined by the county board.

SECTION 8. Execution.—The bonds and the coupons to be thereunto attached shall be executed in such manner as the county board shall by resolution prescribe.

SECTION 9. Sale.—Bonds issued pursuant to this act shall be sold at a price of not less than par and accrued interest to the date of their respective maturities. They shall be sold after public advertisement of their sale in a newspaper of general circulation in South Carolina. Such published notice shall appear not less than ten days prior to the occasion set for opening bids.

SECTION 10. Payment.—For the payment of the principal and interest of all bonds issued pursuant to this act, as the same respectively mature, and for the creation of such sinking fund as may be necessary therefor, the full faith, credit and taxing power of Sumter County shall be irrevocably pledged, and there shall be levied annually by the Auditor of Sumter County and collected by the Treasurer of Sumter County, in the same manner as other county taxes are levied and collected, a tax without limit on all taxable property in Sumter County, sufficient to pay the principal and interest of such bonds as they respectively mature and to create such sinking fund as may be necessary therefor.

SECTION 11. Exempt from taxes.—The principal and interest of bonds issued pursuant to this act shall have the tax-exempt status prescribed by Section 65-4.1, Code of Laws of South Carolina, 1962.

SECTION 12. Proceeds.—The proceeds derived from the sale of any bonds issued pursuant to this act shall be paid to the Treasurer

of Sumter County, to be deposited in a bond account fund, and shall be expended and made use of as follows:

- (a) Any accrued interest shall be applied to the payment of the first installment of interest to become due on the bonds.
- (b) Any premium shall be applied to the payment of the first installment of principal of the bonds.
- (c) The remaining proceeds shall be expended for the following purposes:
 - (1) To defray the costs of issuing the bonds authorized by this act, and
 - (2) To pay costs to be incurred by or on behalf of the Sumter County Commission for Higher Education in establishing a branch of Clemson University in Sumter County, and the portion of the proceeds from the sale of the bonds as are hereby made available for this purpose shall be utilized for the construction and equipping of buildings for the branch of Clemson University to be located in Sumter County; but prior to withdrawing money for this purpose, the Treasurer of Sumter County shall be furnished with a requisition, warrant or order from the Sumter County Commission for Higher Education specifying the purpose for which funds are to be used.

SECTION 13. Investments.—Pending the expenditure of the principal proceeds of the bonds authorized by this act, the County Treasurer may invest and reinvest the same or any unexpended portion thereof in obligations of the United States or any agency of the United States, with maturities not exceeding six months from the occasion of any such investment.

SECTION 14. Powers to be additional.—The powers and authorizations hereby conferred upon the county board shall be in addition to all other powers and authorizations previously vested in the county board and may be availed of pursuant to action taken at any regular or special meeting of the county board.

SECTION 15. No further action required.—No action other than that prescribed in this act need be taken to effect the issuance of the bonds herein authorized, nor shall the county board be required to obtain the approval of any public agency to any action taken pursuant to the authorizations of this act.

SECTION 16. Repeal.—All acts or parts of acts inconsistent herewith are repealed.

SECTION 17. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 7th day of January, 1966.

(R762, S504)

No. 1414

An Act To Ratify and Affirm A Conveyance From The Sumter County Commission For Higher Education To The City Of Sumter And County Of Sumter.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Conveyance by Sumter County Commission for Higher Education validated.—The deed dated October 1, 1965, reconveying fifty acres of land by the Sumter County Commission for Higher Education to the City of Sumter and County of Sumter is hereby ratified, affirmed and declared valid in all respects.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 16th day of February, 1966.

(R1056, H2467)

No. 1415

An Act To Authorize The Trustees Of Sumter County School District No. 17, And The County Treasurer Of Sumter County, To Borrow Not Exceeding One Hundred Forty Thousand Dollars To Be Used For School Purposes, And To Provide For The Payment Of Such Loan.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. School District 17, Sumter County, may borrow money.—The Board of Trustees of School District No. 17 of Sumter County, and the County Treasurer of Sumter County, are hereby authorized to borrow not exceeding one hundred forty thousand dollars from the Division of General Services or any other lending agency at the lowest interest rate available, for the purpose of constructing additional facilities, making additions to existing buildings,

or for equipping such facilities for school purposes. The amount borrowed shall be evidenced by notes to be executed by each member of the board of trustees of the school district and by the county treasurer. The notes shall bear interest at not exceeding four per cent per annum from the date thereof, interest to be paid annually, and shall be payable in two equal, annual installments with the right to anticipate payment thereof at any annual interest paying period.

SECTION 2. Payment.—For the payment of the notes the board of trustees of the school district and the county treasurer shall pledge the annual grant from the State Educational Finance Commission for the repayment of the loan and the interest thereon.

SECTION 3. Payment, further—tax levy.—As additional security for the loan, in the event the annual grant to the school district by the State Educational Finance Commission shall be insufficient to pay the principal and interest on the loan, the county auditor shall levy, and the county treasurer shall collect, an annual tax upon all of the taxable property of School District No. 17 sufficient to retire the loan and the interest due thereon, and the entire proceeds of such levy shall be applied to the payment of the notes, inclusive of interest, in full, at which time the levy provided herein shall be terminated. In the event the school district may receive or have on hand any funds not otherwise pledged nor designated for a particular use, such funds may be used for payment of the loan and interest thereon. Should the monies be borrowed from the Division of General Services and should there be default in any payment, the State Treasurer is directed to withhold any funds accruing to the county and to transmit such funds to the Division of General Services. The full faith, credit and taxing power of the county are irrevocably pledged for payment of the loan.

SECTION 4. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 22nd day of April, 1966.

An Act To Authorize Sumter County To Borrow Not Exceeding Two Hundred Seventy-Five Thousand Dollars For Construction Of A Library And To Provide For Payment Of The Loan.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Sumter County may borrow money for library.

—For the purpose of constructing a public library, the Sumter County Board of Commissioners is hereby authorized to borrow not exceeding two hundred seventy-five thousand dollars from the Division of General Services, or any other lending agency, under such terms and conditions as may be agreed upon by the board and the lending agency. The indebtedness shall be evidenced by notes signed by the chairman of the board and the county treasurer.

SECTION 2. Payment.—For payment of the indebtedness; the full faith, credit and taxing power of the county are irrevocably pledged and the county auditor and county treasurer are directed to levy and collect annually a sum sufficient to pay the principal and interest thereon. In the event the county may receive or have on hand any funds not otherwise pledged or designated for a particular use, such funds may be used for payment of the loan and interest thereon. Should the monies be borrowed from the Division of General Services and should there be default in any payment, the State Treasurer is directed to withhold any funds accruing to the county and to transmit such funds to the Division of General Services.

SECTION 3. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 22nd day of April, 1966.

(R1340, H2688)

No. 1417

An Act To Provide For A Levy Of Taxes For School And County Purposes For Sumter County For The Fiscal Year Commencing July 1, 1966; To Direct The Expenditure Thereof; To Fix The Salaries Of Certain Officers; To Provide Judge Of Probate Fees And To Repeal Act No. 1076 Of 1964; To Provide For Certain Expenses By The Master Or Referee; To Amend Act No. 212 Of 1965, So As To Further Provide For Reports Of The Sumter County Library Commission; And For Other County Purposes.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. The Auditor of Sumter County is hereby authorized to levy on all taxable property in the County of Sumter so much as may be necessary, but not in excess of fifteen mills, for general county purposes.

Item 1. Roads and Bridges:

A-70	General Fund—Roads and Bridges	\$125,000.00
A-72	Salary—County Engineer	11,025.00
A-73	Salary—Road Superintendent	8,148.00
A-75	Salary—Yard Superintendent	4,116.00
A-80	Salary—Gang Guards and Employees	65,604.00
A-81	Salary—Extra Help	1,000.00
A-90	Gang Buildings—Upkeep and Repairs	1,000.00
Total, Item 1—Roads and Bridges		\$215,893.00

Item 2. Public Buildings:

A-101	Repairs and Maintenance of Buildings	\$ 3,500.00
A-101A	Expense—Maintenance Truck	250.00
A-103	Repairs and Maintenance—Furniture, etc.	2,000.00
A-104	Insurance—Storm, Fire, etc.	3,000.00
A-105	Heat, Lights, Water, Sanitary Supplies	15,000.00
A-106	Salary—Maintenance Supervisor	4,830.00
A-107	Salary—Floater Clerk II	3,084.00
A-108	Salary—Telephone Exchange Clerk I	3,084.00
A-110	Care of Public Grounds	2,000.00
Total, Item 2—Public Buildings		\$ 36,748.00

Item 3. Court Expense:

Court Costs:

A-120	Jury Pay and Court Expense	\$ 11,000.00
A-121	Court Stenographer Supplies	240.00
Total, Court Costs		\$ 11,240.00

Law Library:

A-123	Law Library	1,200.00
Total, Law Library		\$ 1,200.00

Clerk of Court:

A-125	Salary—Clerk of Court	\$ 9,261.00
A-126	Salary—Deputy Clerk of Court	5,508.00

A-127	Salary—2nd Deputy Clerk of Court	3,552.00
A-128	Salary—Clerk II	3,396.00
	Total, Clerk of Court	\$ 21,717.00
	Coroner:	
A-140	Salary—Coroner	\$ 3,780.00
	Expense—Coroner ..	1,200.00
A-145	Coroner's Juries, Inquests, etc.	1,000.00
	Total, Coroner	\$ 5,980.00
	Magistrates:	
A-150	Salary—Magistrate 3rd District	\$ 3,942.50
A-151	Salary—Clerk I, Magistrate	3,552.00
A-153	Extra Help—Magistrate 3rd District	1,200.00
A-155	Salary—Other 7 Magistrates	11,466.00
	Total, Magistrates	\$ 20,160.50
	Master:	
A-160	Office Rent—Master	\$ 240.00
	Total, Master	\$ 240.00
	Probate Judge:	
A-164	Salary—Judge of Probate	\$ 6,945.75
A-165	Salary—Clerk I, Judge of Probate	3,300.00
	Total, Probate Judge	\$ 10,245.75
	Lunacy Examinations:	
A-175	Mental Health Examinations	\$ 2,000.00
	Total, Lunacy Examinations	\$ 2,000.00
	Civil and Domestic Relations Court:	
A-180	Salary—Judge, Domestic Relations Court	\$ 11,025.00
A-182	Salary—Probation Counsellor	6,072.00
A-183	Mileage—Probation Counsellor	900.00
A-186	Salary—Clerk I—Domestic Relations Court	3,744.00
A-187	Salary—Clerk I—Domestic Relations Court	3,552.00
A-191	Court Expense—Civil and Domestic Relations Court	7,000.00
	Total, Civil and Domestic Relations Court	\$ 32,293.00
	Total, Item 3—Court Expense	\$105,076.25

Item 4. Jail:

A-200	Jail—Food Only	\$ 6,000.00
A-200A	Jail—Expense other than Food	6,000.00
A-201	Salary—Jailer	3,552.00
A-203	Salary—Assistant Jailers	3,000.00

Total, Item 4—Jail

\$ 18,552.00

Item 5. Poor and Needy:

Emergency Relief:

A-210	Relief—General and Emergency	\$ 250.00
A-211	Charity Coffins	1,000.00
A-212	Child Health and Welfare	\$ 1,200.00

Total, Emergency Relief

\$ 2,450.00

Department of Public Welfare:

A-220	Department of Public Welfare	\$ 600.00
A-222	Travel—Child Welfare Worker	750.00

Total, Department of Public Welfare

\$ 1,350.00

Hospitalization:

A-225	Hospitalization—Tuomey Hospital Only	\$ 35,000.00
A-226	Certification by Department of Public Welfare ..	2,000.00
A-228	Outpatients—Other Hospitals and Homes	3,000.00

Total, Hospitalization

\$ 40,000.00

Nursing Center:

A-241	Recreation and Nursing Center	\$ 240.00
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Total, Nursing Center

\$ 240.00

Charity School Clothing:

A-244	Clothing—Needy School Children	2,000.00
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Total, Charity School Clothing

\$ 2,000.00

Health Department:

A-247	County Health Department	\$ 31,500.00
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Total, Health Department

\$ 31,500.00

County Service Officer:

A-250	Salary—County Service Officer	\$ 4,500.00
A-252	Salary—Clerk II to Service Officer	3,120.00

Total, County Service Officer

\$ 7,620.00

Pensions:

A-270	Pensions—Confederate Widows (2)	\$ 900.00
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	Total, Pensions	\$ 900.00
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Mental Health:

A-271	Mental Health Board	\$ 15,246.63
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	Total, Mental Health	\$ 15,246.63
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	Total, Item 5—Poor and Needy	\$101,306.63
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Item 6. Law Enforcement:

Sheriff:

A-275	Salary—Sheriff	\$ 9,591.75
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A-277	Chief Deputy Sheriff—Salary	7,032.00
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A-278	Assistant Chief Deputy Sheriff—Salary	6,696.00
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A-285	Other 9 Deputies—Salary	54,156.00
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A-290	Extra Police Help	7,000.00
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A-292	Salary—Clerk I to Sheriff	3,228.00
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A-295	Extra Help—Sheriff's Office	1,500.00
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A-298	Uniforms and Supplies	3,000.00
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A-299	Arms, Ammunition, Technical Supplies	1,000.00
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A-300	Expense—Patrol Cars	24,000.00
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A-301	Rural Police Radio Service	3,000.00
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A-302	Transportation of Prisoners	1,500.00
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A-303	Secret Service and Rewards	1,000.00
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A-304	S. C. Police Officers' Retirement	12,250.00
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	Total, Sheriff	\$134,953.75
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Solicitor:

A-310	Expense—Solicitor	600.00
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A-311	Salary—Clerk II to Solicitor	3,300.00
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	Total, Solicitor	\$ 3,900.00
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County Attorney:

A-315	Salary—County Attorney	\$ 900.00
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A-316	Legal Expense—County Attorney	1,000.00
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	Total, County Attorney	1,900.00
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	Total, Item 6—Law Enforcement	\$140,753.75
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Item 7. Administration:

County Board of Commissioners:

A-320	County Board of Commissioners—Per diem, salary and travel	\$ 8,000.00
A-323	Salary—Executive Secretary to Board	7,875.00
A-325	Salary—Deputy Clerk to Board	5,040.00
A-330	Contingent Fund—County Board	23,925.00

Total, County Board of Commissioners\$ 44,840.00

Auditor:

A-335	Part Salary—Auditor	\$ 3,814.65
A-336	Salary—Deputy Auditor	5,040.00
A-337	Salary—Clerk II to Auditor	3,084.00
A-338	Salary—Clerk II to Auditor	3,396.00
A-339	Salary—Clerk II to Auditor	3,396.00
A-340	Extra Help—Auditor's Office	500.00
A-341	Per Diem—Tax Assessors and Appeals Board	250.00

Total, Auditor\$ 19,480.65

Treasurer:

A-344	Part Salary—Treasurer	\$ 3,417.75
A-346	Salary—Deputy Treasurer	3,936.00
A-347	Salary—Clerk II to Treasurer	3,228.00

Total, Treasurer\$ 10,581.75

Tax Collector:

A-355	Salary—Tax Collector	\$ 6,072.00
A-355A	Mileage—Tax Collector	800.00
A-356	Salary—Clerk I to Tax Collector	3,552.00
A-357	Salary—Clerk II to Tax Collector	3,084.00
A-360	Salary and Mileage—Tax Collector's Riders ...	9,636.00

Total, Tax Collector\$ 23,144.00

Total, Item 7—Administration\$ 98,046.40

Item 8. Miscellaneous:

A-365	Expense—Rural Fire Control Board	\$ 11,000.00
A-370	Telephone and Telegraph	10,000.00
A-371	Postage, Stationery, Office Supplies	17,000.00
A-372	General Election Expense	1,200.00
A-374	Annual Audit	3,500.00

A-375	Advertising—Tax Sales, Bids, etc.	3,000.00
A-377	Employee's Group Insurance Premiums	7,500.00
A-378	Registration Board—Per diem, mileage	3,000.00
A-380	Officials' and Employees' Bond Premiums	100.00
A-382	Workmen's Compensation Tax	500.00
A-383	State Retirement—County's Share	13,000.00
A-384	Social Security—County's Share	13,000.00
A-385	Rabies Control—Salary and Expense	1,400.00
A-386	County Planning Board	9,444.00
A-387	Sumter Chamber of Commerce	1,000.00
A-389	Sumter County Development Board	5,000.00
A-390	Maintenance—Sumter City Streets	55,000.00
A-391	General Fixed Assets	60,000.00
Total, Item 8—Miscellaneous		\$214,644.00
Item 9. National Defense:		
A-392	Sumter Armory Maintenance	\$ 1,000.00
A-392A	Civil Defense Expense	2,500.00
A-395	Armed Services YMCA	1,980.00
Total, Item 9—National Defense		\$ 5,480.00
Item 10. Insect and Pest Control:		
A-397	Sumter County Fly and Mosquito Control ...	\$ 5,900.00
A-398	City DDT Campaign	1,500.00
Total, Item 10—Insect and Pest Control		\$ 7,400.00
Item 11. Education:		
Superintendent of Education:		
A-402	Per Diem—County Board of Education	\$ 570.00
A-405	Salary—Superintendent of Education	2,215.50
A-406	Salary—Clerk II to Superintendent of Education	3,552.00
A-407	Salary—School Attendance Supervisor	1,704.00
A-408	Salary—Clerk II to Attendance Supervisor	3,300.00
A-409	County Board of Education—Dues	100.00
A-410	Adult Education	1,500.00
Total, Superintendent of Education		\$ 12,941.50
Future Homemakers of America:		
A-412	Future Homemakers of America	\$ 200.00
Total, Future Homemakers of America		\$ 200.00

Farm and Home Demonstration Agents:		
A-415	Part Salary—Home Demonstration Agent	\$ 480.00
A-416	Part Salary—Assistant Home Demonstration Agent	360.00
A-417	Salary—Stenographer to Home Demonstration Agent	1,625.00
A-418	Home Demonstration Supplies	400.00
A-420	Sumter County Council of Farm Women	100.00
A-430	Part Salary—Farm Agent	2,110.00
A-431	Part Salary—Associate Farm Agent	729.00
A-432	Part Salary—Associate Farm Agent	729.00
A-433	Part Salary—Stenographer to Farm Agent	1,625.00
A-435	Travel—Farm Business Research	200.00
A-436	Farm Agent—Long Distance Telephone Expense	200.00
A-445	Part Salary—Assistant Farm Agent	723.00
A-446	Part Salary—Assistant Home Demonstration Agent	920.00
A-447	Salary—Clerical Help, Assistant Farm Agent and Assistant Home Demonstration Agent	2,100.00
Total, Farm and Home Demonstration Agents . .		\$ 12,301.00
4-H Club Work:		
A-455	4-H Club Work	\$ 800.00
Total, 4-H Club Work		\$ 800.00
Soil Conservation Office:		
A-462	Salary—Stenographer to SCS Director	\$ 1,200.00
Total, Soil Conservation Office		\$ 1,200.00
County Fair:		
A-465	Sumter County Fair Association	\$ 1,300.00
Total, County Fair		\$ 1,300.00
Forest Ranger:		
A-470	Part Salary—Forest Ranger	\$ 240.00
Total, Forest Ranger		\$ 240.00
Game Wardens:		
A-481	Game Wardens' Expense	\$ 720.00
Total, Game Wardens		\$ 720.00

Technical Education:	
A-482 Technical Education Center Expense	\$ 13,400.00
Total, Technical Education	\$ 13,400.00
Total, Item 11—Education	\$ 43,102.50
GRAND TOTAL	\$987,002.53

SECTION 2. Before any new county employee is employed by any department, the county board of commissioners shall first approve the salary or compensation to be received by such new employee, which salary or compensation shall not exceed that as set forth in the prevailing salary schedule.

SECTION 3. The amount herein provided for the salary of the sheriff, treasurer, judge of probate and clerk of court shall be in lieu of all fees collected pursuant to the laws of the State of South Carolina and the amounts herein provided shall be the salaries of such officers for all their services for the fiscal year commencing July 1, 1966.

SECTION 4. The above accounts shall be kept separate and expended for the purposes for which appropriated; and the county board of commissioners shall not expend or contract to expend under any general item any sum greater than the amount for such general item herein appropriated, except with the approval of a majority of the county delegation, and no account against the county shall be approved or paid except a properly authorized expenditure by the county board.

SECTION 5. In the purchase of equipment, or articles needed in the operation of any branch of the county government, or in the employment of any person, firm or corporation, for any article or service to be rendered to the County of Sumter, price and quality being equal, preference shall be given to citizens, firms or corporations of Sumter County, if available, but if not available within the county, then preference on same basis shall be given to persons, firms or corporations of the State of South Carolina, and where not available within the county or State, they may be procured to best advantage from other sources. All county supply purchases (except for schools) shall be made through the office of the county board of commissioners and on purchases amounting to one hundred dollars, or more, bids from two or more vendors shall be called for.

SECTION 6. The Treasurer of Sumter County is hereby authorized, empowered and directed to pay any sum of money from such fund or funds and for such purposes as she may be directed in writing by a majority of the Sumter County Legislative Delegation.

SECTION 7. The Chairman of the Sumter County Board of Commissioners shall have the custody and control of the second floor of the courthouse and no use shall be had of that part of the building without the consent and approval of the chairman.

SECTION 8. The expense of the following items, while herein fixed at amounts of estimated needs, may vary in accordance with the fixed charges payable under such items as required by law, and by reason thereunder may not be sufficient:

- A-120 Jury Pay and Court Expense
- A-191 Court Expense—Civil and Domestic Relations Court
- A-383 State Retirement—County's Share
- A-384 Social Security—County's Share
- A-304 S. C. Police Officers' Retirement
- A-375 Advertising—Tax Sales, Bids, etc.
- A-402 Per Diem—County Board of Education
- A-145 Coroner's Juries, Inquests, etc.
- A-175 Mental Health Examinations
- A-341 Per Diem—Tax Assessors and Appeals Board
- A-380 Officials and Employees' Bond Premiums
- A-382 Workmen's Compensation Tax

The Treasurer of Sumter County is authorized to pay such sums as may be necessary to meet the fixed expenses of the items mentioned in this section in excess of the amount appropriated therefor.

SECTION 9. The county board of commissioners shall publish, in at least one newspaper published in the county, a consolidated statement of all receipts and disbursements annually, as of July first of each year.

SECTION 10. The Treasurer of Sumter County is directed to pay to the City of Sumter one-fourth of all amounts received from the tax on gasoline which is designated for general county purposes, to be used for the maintenance of streets in the City of Sumter.

SECTION 11. The county auditor shall deliver the tax books to the county treasurer not later than September first of each year.

SECTION 12. Notwithstanding the provisions of Section 64-151 of the 1962 Code, in Sumter County only National Thanksgiving Day, all general election days, the twenty-fifth and twenty-sixth days of December, the first day of January, the fourth day of July, and the first Monday in September shall be legal holidays.

SECTION 13. No levy for school purposes shall be made in any district unless approved by the county board of education and a majority of the legislative delegation, including the Senator.

SECTION 14. Notwithstanding the provisions of Section 42-644 of the 1962 Code, the board of the Carnegie Public Library of Sumter shall submit its annual budget to the county legislative delegation for approval.

SECTION 15. All boards and commissions receiving funds from the county shall send a copy of the minutes of each meeting and shall annually submit financial reports to the county legislative delegation and the county board of commissioners.

SECTION 16. Salaries provided herein for the sheriff, the clerk of court, the auditor, the treasurer, the judge of probate, and the county superintendent of education are appropriated for the present holders of the aforesaid offices and in the event vacancies occur in any of these offices the beginning salaries and appropriations therefor shall be determined by the county legislative delegation.

PART II

Permanent Provisions

SECTION 1. Notwithstanding the provisions of Section 27-304 of the 1962 Code, or any other provisions of law, the following fees and costs shall be charged by the Judge of Probate of Sumter County. The fee for any service not included in this section shall be the same as provided by general law.

For a marriage license	\$ 3.00
For a certified copy of marriage license	1.00
For proving a will in due form of law	25.00
For certified photostatic copies of wills and other legal documents, for each page .....	.50
For taking, receiving and filing an annual return of an administration, executor, guardian or trustee (first two pages)	3.00

For each additional page .....	.50
For hearing and filing a petition and order, and recording it	3.00
For certifying it .....	.25
For petition and order for the appointment of a guardian ad litem for each minor or incompetent	3.00
For appointment of guardian	15.00
For appointment of committee	25.00
For exemplification	6.00
For recording bond	2.00
For a hearing or reference in any litigated case, for each day	15.00
For certifying to any paper on file in his office, for each certificate .....	.25
For hearing a petition to sell real estate in aid of assets	5.00
For proceedings in dower and in setting off homestead	4.00
For selling each lot or tract of land	3.00
For each deed or mortgage executed or made by him	5.00
For each witness examined pursuant to hearings .....	.50
For receiving and paying over money officially, 2% on the first \$400.00, and 1½% on all money over \$400.00.	
For issuing temporary letters of administration	17.50
For an estate in which the judge of probate acts as administrator pursuant to provisions of law ..	10.00
For an ordinary intestacy or administration c. t. a., if the estate does not exceed \$40,000.00 ..	50.00
If the estate exceeds \$40,000.00	75.00
If the estate does not exceed \$1,000.00	17.50

This fee shall include :

Advertising as required by law
 Petition for letters of administration
 Filing administration bond
 Letters of administration
 Inventory and appraisement
 Description of real estate
 Filing of petition for discharge

Eight certificates	
Filing and recording final return	
Letters dismissory	
For an estate in which a will is included and where the executor serves, if the estate does not exceed \$40,000.00	50.00
If the estate exceeds \$40,000.00	75.00
If the estate does not exceed \$1,000.00	15.00

This fee shall include:

- Advertising as required by law
- Petition to prove will
- Filing and recording of will
- Letters testamentary
- Inventory appraisement
- Description of real estate
- Eight certificates
- Petition for final discharge
- Filing and recording final return
- Letters dismissory
- Four certified copies of will which are prepared
by the estate

All such fees and costs shall be collected by the judge of probate in advance, and shall be paid monthly by him to the county treasurer for credit to the ordinary funds of the county in such manner as may be provided by law.

If an estate was filed prior to January 1, 1965, the fee shall be \$15.00 and shall include advertising as required by law, petition and order for final discharge, and filing of final return not to exceed two pages.

Act No. 1076 of 1964 is repealed.

This section shall take effect July 1, 1966.

SECTION 2. Notwithstanding the provisions of Section 10-1411, Code of Laws of South Carolina, 1962, in Sumter County the expenses provided for in this section may be taxed in costs or included in the disbursements of the master or referee.

SECTION 3. Section 6 of Act No. 212 of 1965 is amended by striking it out and inserting in lieu thereof the following:

“Section 6. The commission shall make annual reports to the Sumter County Bar Association and the governing body of the county on the conduct of the library.”

End of Part II

This act shall take effect upon approval by the Governor.

Approved the 1st day of June, 1966.

(R827, H2096)

No. 1418

An Act To Extend The Open Season For The Hunting Of Quail In Union County For The Year 1966 Only.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Quail season extended in Union County.—Notwithstanding any other provision of law, the open season for the hunting of quail in Union County shall be to and including March first for the year 1966 only.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 2nd day of March, 1966.

(R968, H2369)

No. 1419

An Act To Amend Act No. 718 Of 1965, Relating To The Sale Of Abandoned School Property In Union County, So As To Authorize The Appointment Of A Committee To Sell Such Property.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Section 1 of Act 718 of 1965, amended—sale of abandoned school property.—Section 1 of Act No. 718 of 1965 is amended by inserting between “ucation” and “is” on line two the following “or the committee provided for in Section 2”. The section when amended shall read as follows:

“Section 1. In Union County the county board of education or the committee provided for in Section 2 is hereby authorized to sell

and convey any abandoned school property in the county in accordance with the provisions of this act.”

SECTION 2. Section 2 of Act 718 of 1965, amended—appointment of committee.—Section 2 of Act No. 718 of 1965 is amended by striking “, then the board” on line seven and inserting in lieu thereof “within one year after it is abandoned, the county legislative delegation may appoint a committee of three who”. The section when amended shall read as follows:

“Section 2. If the abandoned property is in the immediate neighborhood of an organized church, the church or any other organized group desiring to purchase the property to be used for a community house, a health center or other community projects, may be allowed to purchase the property at such price as may be deemed fair and just by the county board of education. If the property is not sold to any church or organized group within one year after it is abandoned, the county legislative delegation may appoint a committee of three who may negotiate or advertise the same for sale to the public and may sell the same to the highest bidder, reserving the right to reject any and all bids. Deeds of the conveyance shall be made to the purchaser by the chairman and secretary of the board.”

SECTION 3. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 7th day of April, 1966.

(R1147, S684)

No. 1420

An Act To Provide For Terms Of Court In The Sixteenth Judicial Circuit For The Year 1966 Only.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Terms of court in sixteenth judicial circuit for 1966.—Notwithstanding the provisions of Section 15-274 of the 1962 Code, as amended, and Section 15-275 of the 1962 Code, as amended, the courts of the Sixteenth Judicial Circuit shall be held for a term of one week for the year 1966 only as hereinafter provided:

(1) *York County.*—The court of common pleas for York County shall be held at York on the second Monday in November. The

court of general sessions for York County shall be held at York on the fourth Monday in November and the third Monday in December.

(2) *Union County*.—The court of common pleas for Union County shall be held at Union on the first Monday in December. The court of general sessions for Union County shall be held at Union on the second Monday in December.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 10th day of May, 1966.

(R1421, H2718)

No. 1421

An Act To Appropriate Money For The Ordinary Operating Expenses Of Union County For The Fiscal Year Beginning July 1, 1966, And Ending June 30, 1967, And To Appropriate Money For Certain Other Purposes And To Provide A Tax Levy Therefor.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Subject to the terms and conditions of this act, the several sums of money hereinafter designated, if so much be necessary, are hereby appropriated to defray the ordinary operating expenses of Union County during the fiscal year beginning July 1, 1966, and ending June 30, 1967, and to provide for other purposes hereinafter stated :

Item 1. Auditor's Office :

A. Salaries :

1. Auditor (County's part)	\$ 2,280.00
2. Clerk, 2 @ \$3,120.00 each	6,240.00

B. Travel in taking tax returns	200.00
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Total, Item 1	\$ 8,720.00
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Item 2. Circuit Courts :

A. Expenses of Regular Terms	\$ 5,000.00
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Provided, that the Grand Jurors and Petit Jurors shall be paid at the rate of ten dollars per day and shall receive mileage at the rate of ten

cents per mile one way; the Court Crier and Bailiffs shall receive not exceeding eight dollars per day; the jury boy shall receive not exceeding five dollars per day. The Sheriff of Union County shall not employ more than five Bailiffs or other attendants, exclusive of the Court Crier, at any terms of Court of General Sessions, and more than four Bailiffs or other court attendants, exclusive of the Court Crier, at any term of Court of Common Pleas for Union County. The Clerk of Court shall employ an attendant or janitor during the session of court and such attendant or janitor shall receive eight dollars per day for his services.

Total, Item 2	\$ 5,000.00
Item 3. Civil and Criminal Court of Union, and Juvenile and Domestic Relations Court:	
A. Salaries:	
1. Judge	\$ 6,500.00
2. Solicitor	3,916.20
3. Court Reporter	3,120.00
B. Expenses, Regular Term:	
Court Sessions	3,000.00
<i>Provided</i> , that the Grand Jurors and the Petit Jurors shall be paid at the rate of ten dollars per day and shall receive mileage at the rate of ten cents per mile one way; the Court Crier and Bailiffs shall receive not exceeding eight dollars per day. The Sheriff of Union County shall not employ more than three Bailiffs or other attendants, exclusive of the Court Crier, at any term of the Court. The Clerk of Court shall employ an attendant or janitor during the session of the Court and such attendant or janitor shall receive eight dollars per day for his services. <i>Provided</i> , further, the Judge shall order the payment of the expenses of the Court. (Exempted from Section 8 and Section 16.)	
Total, Item 3	\$ 16,536.20

Item 4. Clerk of Court's Office:

A. Salaries:

1. Clerk of Court	\$ 5,510.90
2. Deputy Clerks, 3 @ \$3,120.00 each	9,360.00
3. Microfilming	275.00
4. Supplies and Fixtures	4,000.00

Total, Item 4 \$ 19,145.90

Item 5. County Governing Board and Supervisor's Office:

A. Salaries:

1. Township Commissioners, 8 @ \$962.00 each .. \$	7,696.00
<i>Provided</i> , that they shall meet regularly at Union County Courthouse on the first Monday and third Friday of each and every calendar month during the fiscal year.	
2. Supervisor	5,500.00
3. County Bookkeeper	4,375.00
4. Chain Gang Captain	4,561.00
Assistant Chain Gang Captain	3,510.00
5. 1 Special Night Guard	1,300.00
6. Week-end Guards 2 @ \$760.00 each	1,520.00
7. Chain Gang Guards, 12 @ \$3,060.00 each	36,720.00
8. Mechanic	3,631.00
9. Janitor for Courthouse	3,045.00
10. County Doctor	869.37
11. Farmer at County Farm	3,000.00
12. Practical Nurses at County Home, 2 @ \$1,- 810.00 each	3,620.00
13. Night Nurse	1,550.00

B. Materials, Supplies and Repairs:

1. Maintenance and repair of road machinery, trucks	16,000.00
a. For purchase of new road machinery, if so much be necessary	15,000.00
<i>Provided</i> , that the Supervisor shall cause to be kept an accurate record of the operating and repair costs with respect to each truck and/or machine.	
2. Bridges and Bridge Repairs	3,000.00
3. Top Soil and gravel for dirt road maintenance	2,000.00

4. Feeding, clothing and housing convicts 14,000.00
Provided, the Captain of the Chain Gang shall make a monthly report in writing to County Supervisor of all food produced and the use made thereof at the County Chain Gang.
5. Gasoline, oil and grease 12,000.00
6. Public buildings—Repairs, heat, lights, power, water and telephone 10,000.00
Provided, that telephones in county offices shall not be used for long distance calls except on county business; and *provided*, further, that \$1,000.00 of the above figure is set aside exclusively for maintenance or repairs on the Courthouse, and is to be paid out only on order and approval of the Union County Legislative Delegation.
7. Books, stationery and office supplies 5,000.00
Provided, the different county officers in the Union County Courthouse may purchase the books, stationery and office supplies for their respective offices. (Exempted from Section 8 and Section 16).
8. Materials for maintenance of surface-treated roads 15,000.00
Provided, that any moneys in excess of \$2,500.00 shall be approved by unanimous order of the Union County Legislative Delegation.
- C. 1. Surface-treating county roads, including necessary road preparation 5,000.00
Provided, that the plans and methods and any contracts for surface-treating roads shall first be approved by the Governing Board, and the Governing Board shall designate the roads to be surface-treated, with unanimous approval of the Union County Legislative Delegation.
- D. County Home 12,000.00
Provided, the Superintendent of the County Home shall make a monthly report in writing to the County Supervisor of all food produced and the use made thereof on the County Farm and at the County Home.

E. Miscellaneous Items:

1. Premiums for insurance on public buildings ..	3,000.00
2. Workmen's Compensation Insurance Premiums	2,000.00
3. County's required contribution under Retirement System and Social Security	9,000.00
4. Post mortems and lunacies	1,000.00
5. Insurance for county employees	5,000.00

Total, Item 5\$209,897.37

Item 6. Magistrates and Constables:

A. Salaries:

Magistrate at Buffalo	975.00
Magistrate at Carlisle	975.00
Magistrate at Cross Keys ..	975.00
Magistrate at Goshen Hill	975.00
Magistrate at Jonesville	975.00
Magistrate at Lockhart	975.00
Magistrate at Santuc	975.00
Magistrate at Union Courthouse	5,200.00
Constable at Buffalo	820.00
Constable at Carlisle	820.00
Constable at Cross Keys	820.00
Constable at Goshen Hill	820.00
Constable at Jonesville	820.00
Constable at Lockhart	820.00
Constable at Santuc	820.00

Total, Item 6\$ 17,765.00

Item 7. Probate Judge and Master's Office:

A. Salaries:

1. Probate Judge and Master	\$ 5,500.00
2. Clerk to Probate Judge and Master	3,120.00

Total, Item 7\$ 8,620.00

Item 8. Sheriff's Office:

A. Salaries:

1. Sheriff	\$ 5,500.00
2. Official expense allowance for Sheriff	600.00
3. Eleven Deputy Sheriffs @ \$4,340.00 each	47,740.00

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|-----------------------------------------------------------------------------------------------------------------|----------|
| 4. Clerk to Sheriff | 3,120.00 |
| 5. Salary, Maintenance of radio system | 642.00 |
| 6. Radio Supplies, if so much be necessary | 2,500.00 |
| <i>Provided</i> , that no funds shall be paid from this account unless approved by the County Radio Technician. | |

B. Supplies:

- | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| 1. Dieting jail prisoners | 4,000.00 |
| <i>Provided</i> , the Sheriff shall receive \$1.50 per day per prisoner, for dieting, if so much be necessary. | |
| 2. Jail expenses, miscellaneous | 1,200.00 |
| 3. Gasoline, oil and repairs for patrol automobiles and radio system | 4,000.00 |
| <i>Provided</i> , the Sheriff and his deputies shall be furnished with such gasoline and oil, which gasoline and oil shall be used only in discharge of their official duties or official business. The Sheriff and each deputy sheriff, upon receipt of such gasoline and oil, shall sign a ticket therefor, which ticket shall set forth the name of the officer receiving same, the amount received and the date thereof. Such ticket shall be transmitted to the county bookkeeper monthly and a permanent record of the monthly totals received by each official shall be kept by the bookkeeper and charged to this item. | |
| 4. Payment for two patrol cars to be purchased .. | 3,500.00 |
| <i>Provided</i> , purchases shall be approved by the Governing Board and Legislative Delegation. | |
| Courthouse Custodian | 600.00 |

Total, Item 8\$ 73,402.00

Item 9. Treasurer's Office:

A. Salaries:

- | | |
|------------------------------------|-------------|
| 1. Treasurer (County's part) | \$ 2,280.00 |
| 2. Clerk to Treasurer | 3,120.00 |

- | | |
|-------------------------------------|--------|
| B. Travel in collecting taxes | 200.00 |
|-------------------------------------|--------|

Total, Item 9\$ 5,600.00

Item 10. Miscellaneous Appropriations:

A. Coroner's Salary	\$ 2,034.77
Travel Expense	200.00
B. Clerk	963.00
C. Health Officer's Salary (County's part)	904.59
D. Board of Equalization	4,000.00
<i>Provided</i> , that each member of the Board of Assessors shall receive \$8.00 per day for services actually performed.	
E. Premiums on Officers' Bonds	1,000.00
F. Audit of Union County's books to be made under the direction of the Grand Jury of Union County	2,500.00
G. Contingent Fund for Union County Legislative Delegation to meet unforeseen requirements ..	20,000.00
H. Adult Education	1,500.00
I. To be expended as high school textbook rental for children whose parents or guardians are re-receiving public welfare funds for support, <i>provided</i> , Union County Public Welfare Department and Union County Public Schools shall certify entitlement	500.00
J. Librarian (County)	2,000.00
Total, Item 10	\$ 35,602.36

Item 11. Pensions and Contributions:

A. Hope Hospital	\$ 5,000.00
B. Wallace Thomson Hospital (payable monthly) ..	25,000.00
C. Salvation Army	900.00
D. Union County Tuberculosis Clinic	900.00
E. American Legion:	
1. Buffalo Post	100.00
2. Jonesville Post	100.00
3. Lockhart Post	100.00
4. Union Post	100.00
F. Veterans of Foreign Wars	100.00
F. (2) Disabled American Veterans	100.00
G. National Guards:	
1. Co. A 218th Infantry (Union)	800.00
2. Troop A, 53rd Cavalry Div. (Lockhart)	900.00
3. Hdq. Co., 1st Battalion (Union)	800.00

4. Heavy Motor Company, 218th Infantry (Jonesville)	900.00
Where companies are combined, the combined units shall share pro rata in the combined funds.	
H. Jonesville Chapter, Future Farmers of America	200.00
I. Union Community Hospital (payable monthly)	1,500.00
<i>Provided</i> , however, that any hospital established through grant or by foundation shall file with the Clerk of Court of Union County and each member of the Union County Legislative Delegation a copy of their audit for the current fiscal year in order to receive funds appropriated in this act.	
J. Union County Soil Conservation Committee ..	300.00
<i>Provided</i> , payment of this item shall be made on Delegation order.	
M. Civil Aid Patrol	750.00
N. Fire Departments:	
1. Buffalo Fire Department	200.00
2. Monarch Fire Department	200.00
3. Lockhart Fire Department	200.00
Total, Item 11	\$ 39,150.00
Item 12. Supplements for State and Federal Agencies:	
A. County Service Officers:	
1. Service Officer's Salary	\$ 1,605.00
2. Salary of Assistant to Service Officer	1,835.00
3. Travel for Service Officer	500.00
B. Health Department:	
1. General Services	9,685.00
<i>Provided</i> , however, that at least two Public Health Nurses shall be employed at all times.	
C. Home Demonstration Agent's Office—New-Federal Building	
1. Agent's Salary	272.85
2. Stenographers' Salaries	1,787.77
3. Materials, Stamps, Telephone	200.00
4. Associate Home Demonstration Agent's Salary	898.80

D. Agricultural Agent's Office—New Federal Building	
1. County Agent, Salary	759.70
2. Stenographer, Salary	841.50
3. 4-H Club Work	350.00
4. Stamps, Supplies	75.00
E. Agricultural Conservation Association:	
1. Rent, to be paid monthly	480.00
F. Farm Home Administration:	
1. Rent, to be paid monthly	240.00
G. County Department of Public Welfare:	
On and after July 1, 1966 County Supplements of Welfare Department personnel shall be prohibited by State law except in any instance where continued supplementing may be necessary to avoid a reduction in the present salary of any employee.	
1. Salaries:	
(a) Director—Paid by the State	759.70
(b) Visitors, 5 @ \$690.15 each—including the portion paid by the State	3,450.75
(c) Stenographers, 3 @ \$690.15 each—including the portion paid by the State	2,070.45
(d) Board Members, 3 @ \$785.00 each	2,355.00
2. Rent and Miscellaneous Office Expenses	1,000.00
<i>Provided</i> , that one-fourth of this item shall be remitted by the County Treasurer quarterly to the State Department of Public Welfare for matching federal funds for these purposes, and that all items paid out of such funds by the State Department shall be first approved by the Director of the Union County Department of Public Welfare.	
3. Foster Home Fund	500.00
4. Emergency Relief, to be disbursed by orders of a majority of the Union County Board of Public Welfare after proper investigation	2,500.00
5. Office Expense	1,200.00
H. County Forest Rangers:	
1. Ranger	829.25

2. Two Wardens @ \$759.70 each	1,519.40
3. Towerman at Kelly Tower	411.95
4. Tractor Driver	515.20
I. Union County Mental Health Association	5,000.00
J. Probation Officer's Clerk	882.75
K. Civil Defense Director	900.00
1. Clerk	1,732.50
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Total, Item 12	\$ 45,157.57
Item 13. County Game Warden:	
A. Salary	\$ 2,632.20
B. Expenses	600.00
<i>Provided</i> , the County Game Warden shall keep the County Legislative Delegation informed of the status of fish and game resources in Union County.	
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Total, Item 13	\$ 3,232.20
Item 14. To effectuate the registration of voters for the fiscal year 1965-1966 and to be spent in the same manner as ordinary county funds	
	\$ 2,000.00
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Total, Item 14	\$ 2,000.00
Item 15. Money appropriated and to be expended only upon the written authorization and direction of the Senator and both members of the House of Representatives of the Union County Legisla- tive Delegation to the General Assembly of South Carolina by unanimous Legislative Order for expenses incurred or to be incurred in the construction of roads or parking lots for indus- trial development in Union County	
	\$ 35,000.00
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Total, Item 15	\$ 35,000.00
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GRAND TOTAL	\$524,828.60

SECTION 2. The payment of the respective appropriations con-
tained in each item of Section 1 hereof, except when otherwise ex-

pressly provided, shall not exceed one-fourth or twenty-five per cent of the total annual appropriation of such item during any consecutive three months' quarter of the current fiscal year, 1966-1967, commencing July 1, 1966, and on the first day of each successive month thereafter, the last day of each third month being reckoned as the end of such quarter. The foregoing requirement of this section shall not be waived except by written unanimous consent of all members of the Union County Legislative Delegation, and any county official who overspends and disburses any money or monies in excess of one-fourth or twenty-five per cent of the total annual appropriation of any item during three consecutive months' quarter of the current fiscal year, 1966-1967, as aforesaid, except when such requirement has been waived by written unanimous consent of all members of the Union County Legislative Delegation, shall thereby and thereupon forfeit the office and shall immediately vacate the office or be subject to immediate removal from office. The Union County Legislative Delegation may transfer funds from any item or items to any other item or items in the county appropriations act of the fiscal year 1966-1967, by unanimous delegation order in writing.

SECTION 3. For the fiscal year beginning with July 1, 1966, and ending with June 30, 1967, the Auditor of Union County is hereby authorized and directed to levy, and the Treasurer of Union County to collect, as and when other county property taxes are levied and collected, upon all taxable property in Union County, a tax of such millage as will, when added to all other income or revenue received by the county for general purposes during such fiscal year, produce sufficient funds to meet the sums of money appropriated herein or prior thereto; *provided*, that the millage so levied shall be approved in writing by the entire Union County Legislative Delegation.

SECTION 4. The salary of no employee of Union County shall be paid, increased or supplemented from any county funds above the amount appropriated for such employee in Section 1 hereof, except with the unanimous consent of the Union County Legislative Delegation.

No delegation order authorizing payment of county funds, before now or hereafter, shall be valid beyond the fiscal year in which it was written.

SECTION 5. The county bookkeeper, shall during each month, send to each member of the Union County Delegation an itemized list

of all expenditures of the county for the preceding month, and also an itemized list of all obligations incurred and not paid.

SECTION 6. The Grand Jury of Union County shall appoint the auditor to audit the books of Union County, Wallace Thomson Hospital and Union County Schools. *Provided*, however, that the persons or firm so appointed shall be certified public accountants; and *provided*, further, that the schools and the hospitals shall bear the cost of their respective audits. Such auditor shall be paid after the completion of the work and the delivery of the audits. The original of the audits shall be filed with the clerk of court, who shall keep the same on file as public audits, and a copy thereof shall be furnished to each member of the legislative delegation.

SECTION 7. In all matters to be determined under this act by the Union County Delegation, no action shall be valid or binding unless concurred in by all members of the delegation. In the event, however, of the death, resignation or removal of any one or more of the members of the delegation, the remaining members shall have the right to execute any unanimous agreement.

SECTION 8. The Supervisor and Governing Board of Union County shall be the sole purchasing agent for all supplies, equipment, machines, etc., used by any officer, agent or department of Union County, and all purchases in excess of one hundred dollars shall be made on a competitive bid basis after advertisement in the Union Daily Times for a period of ten days prior to such purchases; *provided*, that such advertisement shall be published twice during such ten-day period. No vouchers or warrants for purchases made in violation of this section (except emergency purchases provided for in Section 14 hereof) shall be approved for payment by the supervisor and governing board or paid by the county treasurer. *Provided*, this section shall not apply to those items specifically exempted in Section 1 of this act.

SECTION 9. The Sheriff of Union County shall be the custodian of the courthouse and courthouse grounds and shall have supervision over the courthouse janitor. The Union County Legislative Delegation may by unanimous agreement assign office space in the Union County Courthouse.

SECTION 10. All fees and costs collected by any official of Union County shall be turned over to the Treasurer of Union County at

least once each month. *Provided*, however, the magistrates shall be allowed to retain their respective costs and fees in all civil matters as a part of their compensation; and the sheriff, as constable for the Magistrate at Union County Courthouse, shall likewise be allowed to retain his costs and fees as a part of his compensation.

SECTION 11. The Supervisor of Union County shall appoint a Superintendent of the County Home and a Captain of the Union County Chain Gang. The Governing Body of Union County shall elect a county mechanic, and eight chain gang guards. The commissioner from each of the respective townships shall recommend with the approval of the captain of the chain gang the election of one of the chain gang guards, and in the event any commissioner or commissioners shall fail or refuse to recommend the election of a chain gang guard or chain gang guards, as hereinbefore provided, within a period of four weeks of a vacancy in such position or positions, then the Governing Body of Union County shall elect a chain gang guard or chain gang guards to fill such vacant position or positions. The Senator and the two members of the House of Representatives, as the Legislative Delegation of Union County, are authorized and empowered to declare a state of emergency concerning any work or affairs or employees of Union County by signing and filing an order with the county supervisor ordering work to be performed on county property, roads and facilities, and requiring work to be done to promote the industrial development of the county and the general welfare. The Union County Legislative Delegation may name a superintendent of surface-treated roads. The superintendent of surface-treated roads may name two convict camp guards from the county at large with approval of the legislative delegation. One of the convict camp guards so appointed shall serve as day yardman at the chain gang camp and the other convict camp guard shall assist with the surface-treating program under the superintendent of surface-treated roads. The Union County Legislative Delegation shall by unanimous delegation order appoint a county attorney and a county bookkeeper.

SECTION 12. The superintendent of surface-treated roads shall requisition the supervisor, county bookkeeper, the Governing Body of Union County, and the captain of the chain gang for the equipment and materials and personnel necessary and required by the superintendent of surface-treated roads to construct, maintain, and repair the surface-treated roads of Union County, including bridges thereon,

and driveways, church yards and cemeteries, and all other surface-treated work and projects of Union County, and in the event of any dispute or conflict involving surface-treated roads, bridges thereon, and driveways and church yards and cemeteries, and all other surface-treated work and projects of Union County, or the equipment, materials or personnel used in the construction or maintenance or repair of same, arising between any of the officials or agencies of Union County, such dispute or conflict shall be unanimously resolved in writing by all members of the Union County Legislative Delegation and such unanimous determination and decision by all members of the Union County Legislative Delegation, rendered in writing, shall be final and binding upon all officials and agencies of Union County concerned by the dispute or conflict involving surface-treated roads, bridges thereon, driveways, church yards and cemeteries, and all other surface-treated work and projects of Union County or the equipment, materials or personnel used in the construction or maintenance or repair of the same, or to be used for such purpose or purposes. Otherwise, the captain of the chain gang shall make all job and work assignments at the Union County chain gang, including both employees and prisoners, and, except as otherwise herein provided, shall be in direct and immediate control at all times. All instructions from the Union County Supervisor and the Governing Body of Union County concerning surface-treated roads, bridges thereon, driveways, church yards and cemeteries, and all other surface-treated work and projects of Union County, or the equipment, materials or personnel used or to be used in the construction or maintenance or repair of same shall be transmitted directly to the superintendent of surface-treated roads and all other instructions from the Union County Supervisor or the Governing Body of Union County concerning matters other than matters and affairs related to surface-treated roads as aforesaid shall be transmitted directly to the Captain of the Union County Chain Gang.

SECTION 13. The supervisor of Union County shall have general supervision of, and be responsible for, all roads and bridges, the county chain gang and the county home; subject, however, to the emergency powers conferred on the Legislative Delegation in Section 11 of this act. *Provided*, however, the superintendent of surface-treated roads shall be in immediate charge and control of all equipment, materials and personnel, used or to be used in the construction or maintenance or repair of surface-treated roads, bridges thereon,

driveways, church yards and cemeteries, and all other surface-treated work and projects of Union County, and the captain of the chain gang shall be in immediate charge and control of all other persons employed at the Union County Chain Gang, and such persons, with the exception of the superintendent of surface-treated roads, shall be subordinated to the chain gang captain, regardless of their titles or duties, and the captain of the chain gang is hereby empowered to dismiss any such employee or employees, except the superintendent of surface-treated roads. Such suspended or dismissed employee shall have the right to appeal to the county governing board and the county supervisor, who shall jointly hold such hearings as may be deemed necessary to determine the facts and pass on the merits of such dismissal or suspension, and in their discretion may either sustain or reverse such dismissal or suspension; however, to override the action taken by the captain of the chain gang, it shall be necessary for no less than five board members and the county supervisor to so vote. The superintendent of surface-treated roads shall be subject to suspension or dismissal by unanimous action in writing to be signed by all members of the Union County Legislative Delegation.

SECTION 14. The County Governing Board, by a majority vote of those present at a regular or special meeting thereof, shall have authority and is hereby required to order and direct the supervisor to provide for and cause to be done all proper and necessary repairs and maintenance work on roads and bridges, and may designate the roads or bridges to be repaired or maintained. It shall be the duty of the supervisor to carry out such orders and directions of the board as fully and completely as may be possible, and in the absence of any orders or directions from the governing board, whether this be caused by completion of all work ordered by the board, or by failure of the board to direct a schedule of such work or for any other cause, then it shall be the duty of the supervisor to direct and cause to be performed the proper and necessary repairs and maintenance work on roads and bridges. In cases of emergency, arising from any cause where a county road or bridge has become or is about to become hazardous, dangerous or impassable to traffic, the supervisor shall take immediate action on his own initiative, even if it be necessary temporarily to stop work that has been ordered or directed by the governing board, to meet and overcome such emergency, and he shall cause such work to be done so as to afford traffic reasonable and safe passage over such road or bridge. In order to carry out the orders

and directions of the governing board, or to meet emergencies which may arise, the supervisor shall convey instructions and orders for such repair and maintenance work to the captain of the chain gang and should the captain fail or refuse to carry out orders and directions submitted to him by the supervisor, then and in such event the supervisor may suspend or dismiss the captain of the chain gang. *Provided*, further, that any county officer or employee who shall be suspended, removed or discharged as herein provided shall not be paid for any period during such time of suspension and, in case of removal or discharge, shall not receive pay from any after the date thereof.

The powers and authority enumerated and set forth in this section shall not nullify or diminish or be in derogation of the powers and authority heretofore enumerated and set forth in the preceding sections of this appropriations act concerning the superintendent of surface-treated roads.

SECTION 15. The county supervisor and the Union County Governing Board may authorize the clerk or bookkeeper to make purchases not exceeding one hundred dollars in cases of emergency. The clerk or bookkeeper shall give bond in the sum of one thousand dollars, conditioned for the faithful performance of his duties, the premium for such bond to be paid as the premiums for the bonds of other county officers are now paid.

SECTION 16. All purchases for all supplies, equipment, machines, etc., and goods or services for Union County shall be made upon a written order specifically designating whatever is to be purchased or paid for, signed by the county official or employee requesting same, and approved by the signature of the county supervisor or county bookkeeper endorsed on such order. No vouchers or warrants for purchases or payments made in violation of this section shall be approved for payment by the county supervisor or governing board or paid by the county treasurer. The county supervisor or the county bookkeeper shall have the power of inspection of all purchases and services rendered for Union County at all times. Any county official or employee who makes any purchase or contract for services other than as herein provided shall be subject to immediate removal from office.

Provided, this section shall not apply to those items specifically exempted in Section 1 of this act.

SECTION 17. The Union County Bookkeeper shall maintain a record of all absences and vacations taken by county employees. Department heads, auditor, treasurer, clerk of court, etc., shall report in writing all such absences and vacations to the county bookkeeper. All county employees shall have an annual noncumulative sick leave of thirty days per year. Employees shall be paid for these thirty days' sick leave, *provided* sickness is properly substantiated by a doctor's certificate.

SECTION 18. It shall be unlawful to sell or offer for sale any wine or beer in Union County between the hours of twelve o'clock Saturday night and sunrise Monday morning. Any person, firm or corporation violating this section shall be punished by a fine of not more than one hundred dollars, or by imprisonment for not exceeding thirty days. The right of any person to sell wine and beer in Union County at any time, under a license issued by the State, shall be forfeited and the license revoked, upon conviction of violating the provisions of this section.

SECTION 19. Any circus, carnival, or other such admission-charging show or amusement that usually exhibits under a tent or outdoors may exhibit in Union County without payment of any license fee or charge. *Provided*, that such exhibition is made under the auspices or sponsorship of a local eleemosynary association or organization and pursuant to a contract requiring such association or organization to pay the license for such exhibition; and *provided*, further, that such exhibition is first approved by and the time and place set by the Executive Secretary and Treasurer of Union County Fair Association.

SECTION 20. No license shall be issued for the practice of fortunetelling or palm reading in Union County.

SECTION 21. The members of the press shall be allowed to attend any meeting where the expenditures of county money, including money allocated to the county from State fund, or from any other sources, is under consideration.

SECTION 22. The salaries and/or supplements to salaries specified in this appropriations act shall be paid every two weeks.

SECTION 23. All appropriations herein made are subject to the right and authority of the Union County Delegation to change, alter,

increase, deduct therefrom, or transfer funds from one item and/or account to another at any time, without notice, when in its judgment and discretion such change, alteration, transfer, increase or deduction is necessary to conform with revenue expected during the life of this act for the best interest of the county.

SECTION 24. This act is continuous and of continuous force and continuing into the future until changed by a repealing act of the General Assembly of the State of South Carolina.

SECTION 25. If any section, subsection, paragraph, sentence, phrase, clause, word or provision of this act shall be held unconstitutional or invalid for any reason, the same shall not affect, impair or invalidate any of the remaining sections, subsections, paragraphs, sentences, phrases, clauses, words or provisions of this act.

SECTION 26. The Union County Legislative Delegation may appoint a county development board of three members and appoint a county director for industrial development.

The delegation may authorize the expenditure of the necessary funds to carry out the provisions of this section.

The delegation may by unanimous agreement in writing authorize the expenditure of money for industrial promotion and development.

SECTION 27. The supplemental appropriations for the fiscal year 1965-1966 made from the General Fund of Union County by delegation order are hereby validated.

SECTION 28. The Union County delegation is defined as the two members of the South Carolina House of Representatives from Union County and the Senator of the South Carolina General Assembly residing in Union County, the total of said delegation being three in number.

Any and all references to the Senator in this act shall be construed to mean the resident Senator of Union County.

SECTION 29. This act shall take effect upon approval by the Governor.

Approved the 13th day of June, 1966.

(R788, H2035)

No. 1422

An Act To Authorize The Williamsburg County Memorial Hospital Board And The County Treasurer To Borrow A Sum Of Money For Hospital Purposes And To Provide For The Payment Of The Loan.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Williamsburg County Memorial Hospital may borrow money.—The Williamsburg County Memorial Hospital Board and the Treasurer of Williamsburg County are hereby authorized, upon approval by the entire county legislative delegation, to borrow for hospital purposes not exceeding seventy-five thousand dollars from any bank doing business in Williamsburg County. The amount borrowed shall be evidenced by a note to be executed by the chairman of the hospital board and the county treasurer. The note shall bear interest at not more than four and one-quarter per cent per annum from the date thereof and shall be payable twelve months from such date, but may be renewed from year to year until paid.

SECTION 2. Payment.—The note and the interest thereon shall be paid from the general fund of the county.

The full faith, credit and taxing power of the county are hereby irrevocably pledged to the payment of the indebtedness provided for in this act.

SECTION 3. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 16th day of February, 1966.

(R1318, H2631)

No. 1423

An Act To Provide For The Levy Of Taxes For Williamsburg County For The Fiscal Year Beginning July 1, 1966, And Ending June 30, 1967, And To Provide And Direct The Expenditure Thereof; And To Validate Certain Disbursements, Expenditures And Actions.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. There is hereby levied upon all the taxable property of Williamsburg County a sufficient number of mills to be determined

by the auditor from assessment of the property therein which, together with fines, forfeitures, gasoline tax, road tax, collected by various officers, and all income of the county, shall raise the amount herein appropriated. For county and school purposes for Williamsburg County for the fiscal year 1966-1967, there is appropriated the following:

Item 1.	Supervisor's Salary	\$ 6,000.00
	Supervisor's Travel	2,000.00
	Clerk to County Supervisor	3,800.00
	County Commissioners' Salary five @ \$1,200.00	6,000.00
	County Commissioners' Travel, five at \$600.00	3,000.00
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	Total, Item 1	\$ 20,800.00
Item 2.	Roads and Bridges	\$185,000.00
	New Machinery	15,000.00
	<i>Provided</i> , no item of equipment costing in excess of \$5,000.00 shall be purchased by the county commission without the approval of a majority of the Legislative Delegation.	
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	Total, Item 2	\$200,000.00
Item 3.	Clerk of Court	\$ 6,000.00
	Deputy Clerks	3,800.00
	Clerk	3,400.00
	Two Janitors at Courthouse	3,200.00
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	Total, Item 3	\$ 16,400.00
Item 4.	Sheriff's Salary	\$ 6,000.00
	Sheriff's Travel	2,000.00
	Law Enforcement	500.00
	Chief Deputy Sheriff, Salary	4,600.00
	Chief Deputy Sheriff, Travel	2,000.00
	Second Deputy Sheriff, Salary	4,200.00
	Second Deputy Sheriff, Travel	2,000.00
	Third Deputy Sheriff, Salary	4,200.00
	Third Deputy Sheriff, Travel	2,000.00
	Fourth Deputy Sheriff and Jailer, Salary	4,200.00
	Fourth Deputy Sheriff and Jailer, Travel	1,600.00
	Fifth Deputy Sheriff, Salary	3,800.00

Fifth Deputy Sheriff, Travel	1,600.00
Clerk—Sheriff's Office	3,600.00
Jail Expense (dieting prisoners at \$0.35 per meal on verified statements)	4,500.00
Liability Insurance—Sheriff's Department	700.00
Radios—Sheriff's Department	750.00
Uniforms	850.00
Out of County Travel—Sheriff's Department ..	1,000.00
<i>Provided</i> , out of county travel request must be approved by the County Board of Commissioners.	

Total, Item 4\$ 50,100.00

Item 5. County Auditor's Salary\$ 1,500.00

Provided, that the total salary paid the county auditor shall be \$6,000.00 and the county's portion shall be increased or decreased, as the State's portion is increased or decreased, so as to provide a total of \$6,000.00.

Clerk to Auditor	3,600.00
Tax Assessment Board	1,800.00

Total, Item 5\$ 6,900.00

Item 6. County Treasurer\$ 1,500.00

Provided, that the total salary paid the county treasurer shall be \$6,000.00 and the county's portion shall be increased or decreased, as the State's portion is increased or decreased, so as to provide a total of \$6,000.00.

Clerk to Treasurer	3,600.00
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Total, Item 6\$ 5,100.00

Item 7. Probate Judge\$ 5,500.00

Part-time clerk	1,500.00
Lunacy Commitments, Doctors' Exams, and Travel	2,000.00

Total, Item 7\$ 9,000.00

Item 8.	Clerk to Tax Collector	\$ 3,600.00
	Total, Item 8	\$ 3,600.00
Item 9.	Magistrate at Kingstree	\$ 2,700.00
	Magistrate at Hemingway	1,500.00
	Magistrate at Greeleyville	1,200.00
	Magistrate at Cades	750.00
	Magistrate at Central	750.00
	Magistrate at Morrisville	750.00
	Magistrate at Lanes	750.00
	Magistrate at Earles	750.00
	Magistrate at Hebron	750.00
	Magistrate at Pergamos	750.00
	Magistrate at Nesmith	750.00
	Magistrate's Constable at Kingstree	2,200.00
	Magistrate's Constable at Hemingway	1,100.00
	Magistrate's Constable at Greeleyville	800.00
	Eight Magistrate's Constables: Cades, Morrisville, Lanes, Earles, Hebron, Pergamos, Nesmith and Central	3,200.00
	Total, Item 9	\$ 18,700.00
Item 10.	County Attorney	\$ 600.00
	Total, Item 10	\$ 600.00
Item 11.	Coroner's Salary	\$ 1,250.00
	Coroner's Travel	500.00
	Coroner's Clerk	500.00
	Post Mortems, Inquests and Clerical Help	1,000.00
	Total, Item 11	\$ 3,250.00
Item 12.	Miscellaneous Contingent Fund	\$ 15,000.00
	<i>Provided</i> , the above amount shall be expended only upon the direction and approval of a majority of the members of the Legislative Delegation.	
	Total, Item 12	\$ 15,000.00

Item 13. Workmen's Compensation	\$ 3,000.00
Police Officers' Retirement System	3,200.00
County's portion—Social Security	10,000.00
County's portion—S. C. Retirement System ...	10,000.00
County's portion—Hospital Insurance	2,400.00
Liability Insurance	2,000.00
Total, Item 13	\$ 30,600.00
Item 14. Bonds—County Officials	\$ 900.00
Total, Item 14	\$ 900.00
Item 15. Jurors and Witnesses	\$ 6,500.00
Total, Item 15	\$ 6,500.00
Item 16. Public Buildings	\$ 23,000.00
Repairs to Public Buildings	15,000.00
Total, Item 16	\$ 38,000.00
Item 17. Printing, Books, Postage, etc.	\$ 7,500.00
Total, Item 17	\$ 7,500.00
Item 18. Vital Statistics	\$ 800.00
Total, Item 18	\$ 800.00
Item 19. Department of Public Welfare	
Janitor Service	\$ 400.00
Emergency Fund	1,000.00
Charity Certification	1,500.00
Total, Item 19	\$ 2,900.00
Item 20. Full-time Clerk for Service Officer	\$ 2,400.00
Total, Item 20	\$ 2,400.00
Item 21. Tax Reassessment Program	\$ 30,000.00
Total, Item 21	\$ 30,000.00

Item 22. County Health Department	\$ 12,150.00
Charity Hospitalization	12,000.00

Provided, that the sum appropriated for the hospitalization of indigent persons shall be expended only upon approved certificates by the Board of Public Welfare of Williamsburg County, and shall be expended on per diem basis to be fixed by the board, not to exceed \$12.00 per day per patient; such basis shall include the cost of room, board, medicine and anesthetics, etc., and there shall not be expended on any one case a greater sum than one hundred twenty dollars.

Provided, further, that the board may in extreme cases approve further expenditures but the county shall not be liable for additional sums unless authorization by the board is first secured. The appropriation made shall be for the fiscal year 1966-1967.

Total, Item 22	\$ 24,150.00
Item 23. County Agent, Salary Supplement	\$ 600.00
Assistant County Agent, (Salary Supplement)	600.00
Stenographic Service for County Agent and Home Agent	876.00
Boys' 4-H Club Work	300.00
Assistant County Agents (Salary Supplement)	300.00
Telephone—County Agent	150.00
Extra Stenographic Help, Home Demonstration Agent	280.00
County Demonstration Agent, Salary and Supplement	240.00
Demonstration Materials and Telephone, Home Demonstration Agent	250.00
Girls' and Women's 4-H Club Work	350.00
Associate Home Agent, Part Salary	900.00
Assistant County Agent, Supplement	400.00
Clerical Assistance, Home Agent	900.00
Total, Item 23	\$ 6,146.00

Item 24. Kingstree National Guard	\$ 750.00
Hemingway National Guard	750.00
Junior Homemakers	100.00
Carnegie Library	800.00
Lane Airport	1,500.00
Williamsburg County Rescue Squad	500.00
Technical Education	1,500.00
<i>Provided</i> , the applicants shall be first approved by the Superintendent of Education and no ap- plicant shall receive more than one hundred fifty dollars.	
Total, Item 24	\$ 5,900.00
Item 25. Williamsburg County Memorial Hospital	\$ 25,000.00
Total, Item 25	\$ 25,000.00
Item 26. Mental Health Clinic	\$ 3,750.00
Total, Item 26	\$ 3,750.00
GRAND TOTAL	\$533,996.00
Less Estimated Revenues	\$357,000.00
Amount to be raised by taxation	\$176,996.00

SECTION 2. The supervisor and county commissioners are hereby prohibited from issuing any pay checks to any of the magistrates of Williamsburg County until such magistrates have filed with them statements of the names of persons for whom such warrants have been issued during the previous quarter and the disposition of each case, and a receipt from the county treasurer for fines and costs collected by the magistrates during the previous quarter.

SECTION 3. The county attorney shall give legal advice to all county officers, including the Grand Jury, on any subject affecting the county and, should he fail to give such advice, the amount appropriated for his services shall not be paid to him by the county treasurer.

SECTION 4. All revenues accruing to the county not otherwise appropriated shall be deposited or invested by the treasurer as a sinking fund for the payment of principal and interest of the county

bonded indebtedness and such investments or deposits shall be guaranteed by bond of indemnity or other adequate security to be passed on by the board of county commissioners.

SECTION 5. The appropriations made in this act shall be for the specific purposes designated herein, and for no other except upon the written consent of a majority of the members of the Williamsburg County Delegation in the General Assembly. No overdrafts shall be made or created in any of the items set forth in this act, and in the event any such overdrafts are created the County of Williamsburg shall not be responsible for such overdrafts and the same shall be void insofar as the county is concerned.

SECTION 6. The salaries paid to the county officers as hereinabove fixed shall be in lieu of all fees, commissions, etc.

SECTION 7. All county officers, before making purchases of books or stationery and all other supplies, shall so notify the county board of commissioners in writing and receive the commissioners' approval. Copies of such requests and their approval shall be kept on file in the respective offices. All supplies of every kind, nature and description whatsoever shall be made only upon competitive bids except purchases at one time which shall cost not more than one hundred dollars. *Provided*, that the county board of commissioners shall not approve payment of any voucher for the purchase of any article of any kind by any agency or department unless such purchase has first been authorized by authority of the county board of commissioners.

SECTION 8. The road machinery, plows, equipment, etc., to be purchased by the County of Williamsburg, from funds herein appropriated, shall be bought upon competitive sealed bids after two weeks' advertisement for such bids in some newspaper best circulated to give notice to the trade, or by letters to competitive bidders, which also shall designate the time and place at which the bids will be opened, and the bids shall be publicly opened at the time and place designated in such advertisement.

SECTION 9. The disbursements, expenditures and actions authorized by the Williamsburg County Legislative Delegation during the fiscal year 1965-1966, in connection with the operation of the county departments and agencies thereof, are hereby validated and declared to be legal and binding acts of the officials of the county who acted in pursuance thereof.

SECTION 10. No officials of the county shall obligate the county for the repayment of any loan without the approval of the legislative delegation.

SECTION 11. This act shall take effect upon approval by the Governor.

Approved the 8th day of June, 1966.

(R748, S462)

No. 1424

An Act To Amend Act No. 919 Of The Acts And Joint Resolutions Of The General Assembly Of South Carolina, 1938, As Amended, Authorizing The Establishment Of A County Hospital For York County And The Operation Thereof, So As To Direct The Disposition Of The Assets Of The Hospital In The Event Of Dissolution.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Act 919 of 1938 amended—use of assets upon dissolution.—Act No. 919 of the Acts and Joint Resolutions of the General Assembly of 1938, as amended, is further amended by adding thereto the following section which shall be Section 16, as follows:

“Section 16. In the event of dissolution of the York County Hospital, all assets of the hospital will be delivered to the governing body of the county for such use and benefit of the general public as the governing body may decide is in the best interests of the people of the county.”

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 26th day of January, 1966.

(R775, H2063)

No. 1425

An Act Making Supplemental Appropriations For York County For The Fiscal Year 1965-1966.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. The following supplemental appropriations are hereby made from the General Fund of York County for the purposes shown for the fiscal year 1965-1966:

Item 6. Clerk of Court's office, extra clerical help	\$ 1,800.00
Item 16. Telephone, office expense, Magistrate, Catawba- Ebenezer Townships	1,100.00
Item 13. Department of Public Welfare	6,210.00
Item 18. Annual county audit	1,150.00
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TOTAL	\$10,260.00

SECTION 2. This act shall take effect upon approval by the Governor.

Approved the 16th day of February, 1966.

(R879, H2223)

No. 1426

An Act To Authorize The Clerk Of Court of York County To Transfer Certain Monies.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. York County Clerk of Court may transfer funds.—The Clerk of Court of York County is hereby authorized to transfer to the county treasurer the seven partial payments on fines, amounting to one thousand six hundred forty dollars, which are being held in his fines account. Upon transfer of this sum such accounts may be closed.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 17th day of March, 1966.

(R908, H2267)

No. 1427

An Act To Make An Appropriation For York County And To Authorize The Transfer Of Certain Funds.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. The Treasurer of York County is hereby authorized to transfer the balance of five thousand three hundred fifty-eight dollars and eighteen cents, which is in the York County Health Department Building Commission Fund, to the Permanent Improvement Account.

SECTION 2. There is hereby appropriated from the York County Sinking Fund the sum of twenty-five thousand dollars to be used for improvements to the courthouse, including air conditioning of the courtroom, and for improvements at the county prison camp, including construction of a day room.

SECTION 3. This act shall take effect upon approval by the Governor.

Approved the 24th day of March, 1966.

(R957, H2372)

No. 1428

An Act Making Supplemental Appropriations For York County For The Fiscal Year 1965-1966.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. The following supplemental appropriations are hereby made from the General Fund of York County for the purposes shown for the fiscal year 1965-1966:

Maintenance of County Roads	\$ 40,000.00
Maintenance of Courthouse and County Office	
Buildings	10,000.00
Contingent Fund	10,000.00
Total	<hr/> \$ 60,000.00

SECTION 2. This act shall take effect upon approval by the Governor.

Approved the 31st day of March, 1966.

(R1177, H2423)

No. 1429

A Joint Resolution Proposing An Amendment To Article I, Section 17, Of The Constitution Of South Carolina, 1895, Relating To Criminal Punishment, Double Jeopardy And The Taking Of Private Property, So As To Authorize The Municipalities Of York County To Undertake And Carry Out Slum Clearance And Redevelopment Work And To Provide For The Use Of The Power Of Eminent Domain By The Municipalities Of York County Acting Through Their Municipal Councils Or Any Housing Or Redevelopment Authorities Thereof, To Require That Just Compensation Be Paid For Property And Property Rights Taken Pursuant To Such Use Of The Power Of Eminent Domain, And To Provide That In Cases Of Condemnation For Private Purpose Reuse The Condemnee Shall Have First Opportunity To Purchase The Land When Sold For Reuse.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. Findings of General Assembly.—The General Assembly finds that if the Municipalities of York County are to be permitted to undertake urban renewal programs, it is necessary that Section 17 of Article I of the Constitution be amended in such fashion as to authorize the Municipalities of York County to acquire private property for such purposes, inasmuch as without such specific authorization the provisions of Section 17 of Article I relating to taking of private property, as construed by the Supreme Court of South Carolina in the case of *Edens vs. City of Columbia*, decided January 30, 1956, and reported in 228 S. C., page 563, 91 S. E. (2d) 280, do not now authorize such action. Accordingly, the General Assembly proposes to submit to the qualified electors of the State at the next general election the question of whether Section 17 of Article I of the State Constitution should be amended in such fashion as to permit the Municipalities of York County to acquire private property in order to undertake a program of urban renewal within the corporate limits of such municipalities or within the jurisdictional area of the housing authorities of the Municipalities of York County as now or hereafter constituted.

SECTION 2. Amendment to Article I, Section 17, State Constitution, proposed—York County—slum clearance and redevelopment work—eminent domain.—It is proposed that Section 17 of Article I of the Constitution of South Carolina, 1895, be amended by add-

ing at the end thereof the following: "*Provided*, that the Municipalities of York County may, pursuant to statutory law, now existing or hereafter enacted, and acting through their municipal councils or through any housing or redevelopment authority, now or hereafter established, undertake and carry out slum clearance and redevelopment work in areas which are predominantly slum or blighted, the preparation of such areas for re-use, and the sale or other disposition of such areas to private enterprise for private uses or to public bodies for public uses, and to that end may exercise the power of eminent domain as to any property essential to the plan of slum clearance and redevelopment. *Provided*, further, that just compensation be paid for all property and property rights so taken. In cases of condemnation of land, where reuse is for private purposes, on which is located main underground subway systems, interstate toll lines, transmission lines, transformer vaults, or railroad main line trackage, the total compensation to the public utility or railroad shall be the reasonable expense incurred in relocation of the systems, lines, vaults or trackage. *Providea*, further, that in cases of condemnation of land, where reuse is for private purposes, the condemnee shall be given the first opportunity to purchase the land when it is sold by the condemnor for such reuse."

SECTION 3. Submission to electors.—The proposed amendment shall be submitted to the qualified electors at the next general election for representatives. Ballots shall be provided at the various voting precincts with the following words printed or written thereon: "Shall Section 17 of Article I of the Constitution of South Carolina, 1895, be amended so as to permit the use of the power of eminent domain by the Municipalities of York County or housing or redevelopment authorities functioning in the Municipalities of York County for the purpose of slum clearance and redevelopment work in areas within the corporate limits of the Municipalities of York County or within the jurisdictional area of the housing authorities of the Municipalities of York County which are predominantly slum or blighted, in order to acquire and clear such areas, to prepare them for re-use and for sale or other disposition to private enterprise for private purposes or to public bodies for public purposes, to require that just compensation be paid for property and property rights taken pursuant to such use of the power of eminent domain, and to provide that in cases of condemnation of land, where reuse is for private purposes, the condemnee shall be given the first opportunity to purchase the land when it is sold by the condemnor for such reuse?"

In favor of the amendment ☐
 Opposed to the amendment ☐

Those voting in favor of the amendment shall deposit a ballot with a check or cross mark in the square after the words 'In favor of the amendment', and those voting against the amendment shall deposit a ballot with a check or cross mark in the square after the words 'Opposed to the amendment'."

Ratified the 6th day of May, 1966.

(R1359, H2613)

No. 1430

An Act To Provide For The Levy Of Taxes For York County For The Fiscal Year Beginning July 1, 1966, And Ending June 30, 1967, For School, County And Other Purposes; To Direct The Expenditure Thereof; To Prescribe The Powers, Duties And Authorities Of Various Officials Of The County; To Authorize And Direct The County Treasurer To Transfer Certain Funds; And To Authorize The York County Board Of Directors To Borrow And The York County Sinking Fund Commission To Lend Certain Money And To Provide For The Repayment Thereof.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. For the fiscal year beginning July 1, 1966, the following sums of money, if so much be necessary, are hereby appropriated from the General Fund of the Treasury of York County to meet the ordinary expenses of the county as hereinafter indicated:

Item 1. Supervisor and County Board of Directors:

Salaries:	
Supervisor	\$ 7,480.00
Clerk	4,475.35
Assistant Clerk	4,248.75
Five directors, one hundred ten dollars each per month	6,600.00
Service and supplies	1,400.00
Director's travel expense, not to exceed \$25.00 per month each	1,500.00
Trash dumps	10,000.00

Provided, the County Supervisor and the County Board of Directors shall acquire and locate sites for trash-garbage dumps based on factors of population, non-municipal territory to be served, and such other factors as shall be pertinent for use by residents of York County for trash-garbage dumping, and the County Supervisor and County Board of Directors may expend for such acquisition and for maintenance of such sites not to exceed the sum of \$10,000.00.

Total, Item 1\$ 35,704.10

Item 2. County Prison Farms:

Salaries:

Superintendent\$ 4,928.55
Six guards at \$286.00 per month each 20,592.00

Provided, that board and lodging shall be furnished in addition to salaries above.

Maintenance of Prison Camp 45,000.00
Maintenance of County Roads 125,000.00

Provided, that not more than one-half of the above two appropriations shall be obligated or spent prior to January 1, 1967.

Nine patrol operators at \$337.15 per month each 36,412.20

Supervisor—travel for actual mileage driven on county business at 9¢ per mile, if so much be necessary 2,000.00

Provided, all county equipment shall be kept at the prison camp at night, on Sundays and holidays, and at all other times when not in actual use on county work except when in the opinion of the Supervisor it is more feasible to leave same at job sites.

Provided, further, that it shall be unlawful for any person not an inmate or any person not employed directly at the prison camp to eat any meals at or carry away any food from the York County Prison Camp, and it shall be the duty of the superintendent of the chain gang to en-

force this provision. Any violation of this provision shall be deemed a misdemeanor and punishable by a fine not exceeding one hundred dollars, or imprisonment for not exceeding thirty days.

Total, Item 2\$233,932.75

Item 3. Sheriff's Office:

Salaries:

Sheriff	\$ 7,480.00
Chief Clerk	4,200.00
Clerk (not to exceed)	3,600.00
Expense, outside county	1,000.00
Gas, oil, upkeep auto and radio	1,500.00
Office supplies, phone, box rent	600.00
Salaries, expenses and equipment for county police operation	172,361.00
Radio and jail services—City of Clover	1,500.00
Radio and jail services—City of Ft. Mill	1,500.00
Radio and jail services—City of York	1,500.00

Provided, the Sheriff of York County is authorized and empowered to appoint and employ twenty county policemen to serve under his direction and supervision, and each of the county policemen shall be paid a monthly salary as follows: new employee, first six months, \$340.00; employee, after six months and less than one year, \$370.00; employee, after one year and less than five years, \$430.00; employee, after five years and less than ten years, \$445.00; employee, after ten years, \$460.00. In addition thereto the sheriff shall appoint and employ a captain of the York County Police, who shall be second in command of the county police, and who shall be paid a monthly salary of \$540.00. The captain shall have supervision and control of the county police and all personnel of the York County Police Department in the event of the absence or inability of the sheriff to act for any reason. *Provided*, further, the Sheriff of

York County shall appoint and employ one clerk to assist in the administrative and clerical work connected with the department and perform such other duties as may be assigned to him. *Provided*, further, that the sheriff shall be allowed to give credit for experience in other law enforcement in computing time in grade.

Provided, further, that the sheriff may pay to each deputy sheriff the sum of \$50.00 per month as expenses.

Provided, further, an officer shall serve primarily as liaison officer between the sheriff's office and the Criminal, Juvenile and Domestic Relations Court of York County; *provided*, further, the Sheriff of York County may designate and appoint one officer of his present staff as sergeant, with additional compensation of \$10.00 per month, to serve as detective with his office, and may designate and appoint one officer of his present staff as lieutenant, with additional compensation of \$45.00 per month, to serve as detective, identification officer and special detail officer with his office.

Total, Item 3	\$195,241.00
Item 4. County Jail:	
Salary, Jailor	\$ 3,740.00
Salary, part-time Jailor	638.00
Dieting prisoners at one dollar twenty-five cents per day	8,750.00
Maintenance and supplies	3,000.00
Repairs	700.00
Total, Item 4	\$ 16,828.00
Item 5. Maintenance of Courthouse, Agriculture Build- ing and Rock Hill Office Building	\$ 50,000.00
<i>Provided</i> , no janitor or janitor's assistant shall be paid more than \$49.50 per week.	

Provided, further, that prison labor shall be used where feasible during the daylight hours, except Sundays.

Provided, further, there may be one superintendent of the Rock Hill Office Building, and at York there may be one superintendent of the Agriculture Building and York County Courthouse, at salaries not exceeding \$3,740.00 each, and one helper for each building.

Provided, further, that the expenditures herein shall be under the supervision of the supervisor and the board of directors, or a majority thereof.

Total, Item 5	\$ 50,000.00
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Item 6. Clerk of Court's Office:

Salaries:

Clerk of Court	\$ 8,140.00
Register of deeds	5,720.00
First Deputy Clerk	4,418.70
Second Deputy Clerk	4,070.00
Clerk	3,740.00
Clerk	3,740.00
Clerk	3,740.00
Service and supplies	16,000.00
Jurors, witnesses and bailiffs, and court crier ..	35,000.00

Provided, jurors shall receive ten dollars per day and mileage allowed by law; witnesses, two dollars per day and mileage; and bailiffs, ten dollars per day; and no federal, state or municipal official or employee shall receive any compensation from the county for appearing as a witness in any court in York County.

Provided, further, that jurors reporting on opening day of general sessions court for the purpose of seeking relief from jury duty shall receive no mileage or per diem. *Provided*, further, the clerk of court shall not receive any additional pay for services as Clerk of the Criminal, Juvenile and Domestic Relations Court of York County.

Provided, further, that it shall be the duty of the deputy clerk designated as register of deeds to record all deeds, mortgages, chattel mortgages, contracts of purchase and sale, leases and similar instruments (exclusive of papers filed or to be recorded in civil actions) only after the fees for recording same have been paid, including any necessary State and Federal Revenue Stamps.

Total, Item 6\$ 84,568.70

Item 7. Auditor's Office:

Salaries:

Auditor	\$ 2,903.00
First Deputy Auditor	4,477.35
Clerk	3,740.00
Clerk, Rock Hill (part time)	950.00
Services and supplies	1,450.00
Equalization Board	2,600.00

Mapping Section:

Salaries:

Mapping Director	4,962.65
Clerk	3,740.00
Supplies and mileage	1,000.00

Provided, the clerk employed in the Mapping Section shall work between the office of the Auditor and the office of the Mapping Director at the direction of the Auditor.

Total, Item 7\$ 25,823.00

Item 8. Treasurer's Office:

Salaries:

Treasurer	\$ 2,903.00
Deputy Treasurer	4,477.35
Assistant Deputy Treasurer	4,477.35
Clerk	3,740.00
Revolving Fund	100.00
Services and Supplies	1,350.00

Provided, that all fees collected by the Treasurer by virtue of his office shall be turned in to the general fund of the county.

For purchase of tax-billing machine	13,104.50
Total, Item 8	\$ 30,152.20
Item 9. Judge of Probate's Office:	
Salaries:	
Judge of Probate	\$ 7,480.00
Clerk	4,477.35
Clerk	3,740.00
Office supplies, premium on bond, stamps, box rent and telephone	2,200.00
Total, Item 9	\$ 17,897.35
Item 10. Tax Collector's Office:	
Salaries:	
Tax Collector	\$ 3,652.00
Deputy Tax Collector	3,652.00
Clerk	4,248.75
Bond for Tax Collector, Deputy and Clerk ..	270.00
Stationery, services, supplies, box rent and postage	600.00
Total, Item 10	\$ 12,422.75
Item 11. County Veterans' Service Office:	
Service Officer	\$ 5,720.00
Clerk	3,740.00
Clerk	3,740.00
Expenses, Service Officer	2,750.00
Total, Item 11	\$ 15,950.00
Item 12. Coroner's Office:	
Salary, Coroner	\$ 1,980.00
Expenses of inquests, office supplies and services	600.00
Total, Item 12	\$ 2,580.00
Item 13. Department of Public Welfare:	
Emergency relief—including care of homeless children	\$ 7,000.00
Telephones	1,500.00

Assistant Clerk for purpose of investigating applicants for free school lunch	1,100.00
Supplement to County Board Members	1,440.00
Mileage at nine cents per mile for one child welfare worker	700.00
Food Stamp Program	14,048.00
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Total, Item 13	\$ 25,788.00

Item 14. Hospitalization:

For charity patients, Divine Savior Hospital ..	\$ 4,000.00
<i>Provided</i> , that all of this fund shall be used for charity cases in York County and that an itemized statement of the cost of each case shall be sent quarterly to the Board of County Directors.	
Post mortems, inquests, lunacies and dental work	1,000.00
County physician or physicians to be employed by the Supervisor and County Directors	1,000.00
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Total, Item 14	\$ 6,000.00

Item 15. National Guard:

Rock Hill Company	\$ 600.00
York Company	600.00
Fort Mill Company	600.00
Clover Company	600.00
Bn. Headquarters, Rock Hill	600.00
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Total, Item 15	\$ 3,000.00

Item 16. Magistrates and Constables:

Magistrate, Bethel-Kings Mountain Townships	\$ 2,592.00
Telephone, Magistrate, Bethel-Kings Mountain Townships	150.00
Magistrate, Bullock Creek-Broad River Townships	1,586.00
Office Rent, Bullock Creek-Broad River Townships	120.00
Telephone, Magistrate, Bullock Creek-Broad River Townships	80.00
Magistrate, York-Bethesda Townships	2,592.00

Telephone, Magistrate, York-Bethesda Townships	125.00
Office rent, York—Bethesda Townships	240.00
Magistrate—Catawba-Ebenezer Townships ...	3,510.00
Constable, Catawba-Ebenezer Townships	3,400.00
Clerk, Catawba-Ebenezer Townships	3,740.00
Telephone, office expenses, Magistrate, Catawba-Ebenezer Townships	2,000.00
Magistrate, Fort Mill Township	2,592.00
Constable, Fort Mill Township	1,605.00
Telephone, Magistrate, Fort Mill Township ..	125.00
Maintenance and janitor service, Magistrate's office—Fort Mill	300.00
Maintenance and janitor service, Magistrate's office—Clover	300.00
<i>Provided</i> , salaries above shall be paid in twelve equal monthly installments.	
<i>Provided</i> , further, that the magistrates' reports required by law shall be made under oath.	
Dieting prisoners in custody of magistrates other than in county jail, not to exceed fifty cents per meal for each person, or a total of \$1.50 per day for meals served	
	2,000.00
Bond for magistrates and constables	125.00

Total, Item 16\$ 27,182.00

Item 17. Farm and Youth Work:

Demonstration material for Home Demonstration Agent and assistant	\$ 100.00
Boys' and Girls' 4-H Work	300.00
York County Artificial Breeding Association ..	3,000.00
County Farm Agent	330.00
Telephone, Home Agent	312.00
Home Demonstration Agent	790.00
Clerical help, Farm and Home Agent	2,640.00
Demonstration material, Home Demonstration Agent	50.00
4-H Work	100.00
Telephone	100.00

Provided, that the sum appropriated for York County Artificial Breeding Association shall not be further supplemented by county funds.

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Total, Item 17		\$ 7,722.00
Item 18. General County Expenses:		
Telephone, Highway Patrol stationed in York County		\$ 600.00
Annual county audit		5,000.00
County Attorney		3,300.00
County Attorney, expense		200.00
Circuit Court, office expense (not to exceed \$200.00 per month)		2,400.00
Secretary to Delegation, at \$50.00 per month ..		600.00
Insurance for county employees at \$4.80 per year		480.00
Postage and metering machine and photostat machine		4,000.00
Rescue Squad—Clover		200.00
Rescue Squad—Fort Mill		200.00
Rescue Squad—Rock Hill		200.00
Rescue Squad—York		200.00
York County Civil Defense		5,400.00
Solicitor, Criminal, Juvenile and Domestic Relations Court, to December 31, 1966		1,650.00
Solicitor, expense, to December 31, 1966		300.00
Economic Opportunity Program		2,000.00
<i>Provided</i> , no portion thereof may be used directly or indirectly as salary supplement.		
Mental Health Clinic		15,761.50
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Total, Item 18		\$ 42,491.50
Item 19. For care of indigent York County residents who are residing in nursing homes		
		\$ 3,000.00
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Total, Item 19		\$ 3,000.00
Item 20. Retirement Fund, Social Security for county employees, and police officers' retirement system		
York County Teacher Retirement Fund		\$ 48,000.00
		681.72
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Total, Item 20		\$ 48,681.72

Item 21. Board of Health	\$ 32,986.00
Total, Item 21	\$ 32,986.00
Item 22. Probation Officer:	
Secretarial help	\$ 2,141.40
Secretarial help, Rock Hill office	583.00
Telephone	150.00
Office supplies	50.00
Total, Item 22	\$ 2,924.40
Item 23. Criminal, Juvenile and Domestic Relations Court of York County:	
Salaries:	
Judge	\$ 11,000.00
Chief Probation Counselor	5,642.00
Probation Counselor, male	5,313.00
Probation Counselor, female	4,736.00
Secretary and Court Recorder	4,170.00
Clerk and Court Recorder	4,000.00
Supplies and expenses	2,400.00
Mileage	3,600.00
<i>Provided</i> , in lieu of mileage and expenses, the said employees shall receive monthly the sum indicated: Judge, \$100.00; Chief Probate Coun- selor, \$50.00; Probate Counselor, male, \$50.00; Probate Counselor, female, \$50.00; Secretary and court recorder, \$25.00; Clerk and court re- corder, \$25.00.	
<i>Provided</i> , the Judge of this court may authorize use of a part of any specific salary to pay a part time worker when the position is not filled with a full time employee.	
Total, Item 23	\$ 40,861.00
Item 24. York County Technical Education Center	\$ 41,972.00
Total, Item 24	\$ 41,972.00

Item 25. Ambulance Service\$ 12,000.00

Total, Item 25\$ 12,000.00

Item 26. Contingent Fund\$ 25,000.00

Provided, the money above appropriated shall be used only for such purposes as authorized by a majority of the legislative delegation at a regularly called meeting.

Provided, further, that the authorization shall be numbered consecutively and kept on file in the office of the supervisor, or such offices as a majority of the legislative delegation may direct, and the orders or authorizations shall require ratification at the next ensuing session of the General Assembly.

Total, Item 26\$ 25,000.00

GRAND TOTAL\$1,040,708.47

Provided, the amounts herein provided for salaries of the sheriff, treasurer and clerk of court shall be in lieu of all fees, and the amounts herein provided shall be the salaries of such officers for all their services for the fiscal year beginning July 1, 1966.

For the purpose of meeting the appropriations herein made, the following receipts of York County are hereby allocated for such purposes, together with all other income not specifically allocated to other purposes. It is estimated that the following special revenue will accrue to the county during the fiscal year 1966-1967:

Insurance Commission Fees	\$ 72,000.00
Fines, Fees and Licenses	175,000.00
Beer and Wine Tax	25,000.00
Whiskey Tax	99,000.00
Bank Tax	11,500.00
Service Officer	6,709.00
Income Tax	176,000.00

Delinquent Taxes	88,499.47
1-cent Gasoline Tax	90,000.00
Total	<u>\$743,708.47</u>

Estimated amount to be otherwise provided .. \$297,000.00

To further meet the appropriations contained herein, the auditor is authorized and directed to levy a tax of nine mills upon the property of York County, and the treasurer is directed to collect the same, and to credit the proceeds to the several purposes for which appropriations are herein made. *Provided*, the levy for school textbooks in York County for the fiscal year 1966-1967 shall be two mills.

SECTION 2. The York County Legislative Delegation is defined as the four members of the South Carolina House of Representatives from York County and the Senator of the South Carolina General Assembly residing in York County, the total of the delegation being five (5) in number.

SECTION 3. Notwithstanding the provisions of local acts affecting the County of York and contemplating possible action by the York County Legislative Delegation or a majority thereof, whether or not such acts include the phrase "including the Senator" or substantially similar language, such action shall be effective when done by a majority of the York County Legislative Delegation as defined by Section 2 of this act.

SECTION 4. The purchase of gasoline, oil and food for the use of the prison farm shall be made in wholesale quantities.

SECTION 5. In the Township of York, a special levy of two mills is hereby made as provided by Section 42-674, Code of Laws of South Carolina, 1962, the proceeds therefrom to be paid by the Treasurer of York County to the York Public Library, and the Auditor of York County is directed to levy and the Treasurer of York County is directed to collect such tax.

SECTION 6. The appropriations herein provided shall not in any case be exceeded, and any contracts which may be made which in any manner provide for the expenditures of funds in excess of those provided herein shall not be binding upon York County, and it is specifically provided that any person selling supplies or other commodities or rendering service to the county is charged with the

duty of ascertaining in advance whether or not the appropriations for that purpose are sufficient to pay the same; *provided*, that no revenue to be derived from any levy or appropriation made herein shall be expended or pledged prior to the beginning of the fiscal year 1966-1967. Any official violating the provisions of this section shall be liable under his bond.

SECTION 7. No money appropriated for any specific purpose under the provisions of this act shall be used for any other purpose than that named, without the written consent of a majority of the York County Legislative Delegation, obtained at a regularly called meeting.

SECTION 8. Any amount appropriated in this act may be discontinued at any time by order of a majority of the York County Legislative Delegation, obtained at a regularly called meeting.

SECTION 9. In lieu of all countywide taxes now levied for school purposes, except those taxes levied for free textbooks and hot lunches, the auditor shall levy a tax of twenty mills to be used for the following purposes and distributed in the following manner: the proceeds from ten mills shall be distributed to all school districts in proportion to the ratio which each school district State aid for school teachers' salaries bears to the total school teachers' State aid for salaries in the county; the proceeds from ten mills shall be distributed to each high school or high school district in proportion to the ratio each high school or high school district's enrollment bears to the high school enrollment in the county.

Provided, however, that enrollment in parochial school or State-owned and operated schools shall not be counted and shall not be allowed the use of any of the proceeds of the tax imposed in this section.

Provided, further, that no school district shall impose a levy of more than ten mills on the property within the district, except to provide for the payment of interest on and retirement of bonded indebtedness, except upon the written approval of a majority of the York County Legislative Delegation, obtained at a regularly called meeting.

Provided, further, that the appropriations contained in this section shall be paid from the countywide tax for ordinary school purposes:

Salary—Clerk	\$ 3,740.00
Salary—Librarian for School Textbooks	4,056.14

Travel for Attendance Supervisor—actual mileage driven on county business @ 9¢ per mile, if so much be necessary	800.00
Telephone, postals, box rent and office supplies	600.00
Handling School Lunch commodities—to be hauled on contract basis, if so much be needed	6,000.00
Expenses—County Board of Education	720.00
York County Rural Library (to include 10% salary increase for personnel)	5,383.96
Supplement—Administrative Secretary—County Board of Education	476.30
Supplement to State Funds—School Lunch Program	1,000.00
Travel—Administrative Secretary—County Board of Education, actual mileage on county business @ 9¢ per mile, if so much be necessary	400.00
Total	\$ 23,176.40

The appropriations above made shall be in lieu of all shares in delinquent taxes collected.

SECTION 10. The county supervisor and the county board of directors, or a majority thereof, are hereby empowered to borrow in anticipation of the revenue hereinabove provided any sum not exceeding the amount appropriated and to not only pledge the revenue hereinabove provided but to pledge the full faith and credit of York County for the repayment of the same. The money shall be borrowed from the York County Sinking Fund Commission at a rate of interest not exceeding three per cent and shall be payable at such time and in such sums as is convenient to the county board of directors and the sinking fund commission, and the sinking fund commission is hereby directed to make such loans. *Provided*, that the supervisor and the county board of directors first obtain the written approval of such loan by a majority of the county legislative delegation at a regularly called meeting of the delegation.

SECTION 11. All county offices in York County Courthouse shall observe as holidays: Christmas Day; the working day immediately preceding Christmas Day and the working day immediately following Christmas Day; New Year's Day; Labor Day; Thanksgiving Day; and July Fourth.

SECTION 12. All orders heretofore made by the legislative delegation, reported to and certified by the clerk of the board of directors, arranged chronologically by date and numbered consecutively in such manner as to fully indicate to the delegation what orders were issued and authorized previously by the delegation, are hereby ratified and confirmed, and the appropriations therein contained are approved.

SECTION 13. The York County Board of Directors and the Supervisor, or a majority thereof, may in their discretion approve salaries and deductions pertaining thereto, as provided by law, of county employees by a list or lists rather than separately.

SECTION 14. No tax abatement shall apply to levies necessary to pay debt service of county bonds.

SECTION 15. Any employee or officeholder violating any provision in this appropriations act shall forfeit his or her position of employment of the office held.

SECTION 16. The York County Attorney shall represent all agencies, boards, officials and subdivisions in York County, except municipalities, school districts and the York County Natural Gas Authority, and all such subdivisions, agencies or county officials are hereby specifically prohibited from expending any funds for the employment of any other attorney or attorneys, *provided*, however, that in legal matters in which the county attorney requests authority to associate other counsel, and such authority is approved by the county board of directors, or agency, or subdivision of the county to which the legal matter is pertaining, funds may be expended as compensation for such associate counsel.

SECTION 17. An audit shall be made annually, with a copy to be furnished to each member of the York County Legislative Delegation, and a copy to be filed with the Clerk of Court of York County, of all agencies, boards, bureaus, commissions and school districts of York County, where their activities are not covered by the annual York County audit.

SECTION 18. The county auditor shall cause to be prepared a statement showing for what the proceeds of all taxes levied in York County are to be used. A sufficient number shall be printed and furnished to the Treasurer of York County who is hereby directed to place one in each tax notice mailed out of the treasurer's office.

SECTION 19. The tax collector may call on the sheriff or any deputy sheriff of the county, and any constable in the county, to render him such aid and assistance as may be necessary, which shall be rendered without other costs than those provided by law, in the ejectment of any occupant or tenant in possession of any property at any time when ejectment shall be lawful and proper in the discharge of his duty as such officer.

SECTION 20. No tort claim against York County shall be paid by the board of directors or the supervisor except on written approval of the county attorney.

SECTION 21. Jurors serving in magistrates' courts in the county shall be paid \$2.00 each for their services in lieu of 50¢ heretofore paid.

SECTION 22. This act shall take effect upon approval by the Governor.

Approved the 1st day of June, 1966.

(R1380, H2728)

No. 1431

A Joint Resolution To Appoint A Committee in York County To Study The Jail Facilities Of The County.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Committee to study jail facilities created—York County.—There is hereby created a committee to be composed of the following members to make a complete study concerning the jail facilities of York County: James A. Darby, Ezra Munn, W. C. Kimbrell, Reid C. Roach, Joe D. Smith and Grover Noe, Sheriff, and J. Ed Allen, County Supervisor, both of whom shall be ex officio members. The committee shall meet as soon as practicable after its appointment and shall elect a chairman and such other officers as it may deem necessary. The members of the committee shall be allowed the usual per diem, mileage and subsistence as provided by law for members of boards, committees and commissions. The committee shall study the feasibility of renovating or enlarging the present jail or constructing a new one and may do such other things as it deems necessary concerning this study. The committee shall make its report

and recommendations to the legislative delegation as soon as practicable.

SECTION 2. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 13th day of June, 1966.

(R1382, H2730)

No. 1432

An Act Making Supplemental Appropriations For York County For The Fiscal Year 1965-1966.

Be it enacted by the General Assembly of the State of South Carolina :

SECTION 1. The following supplemental appropriations are hereby made from the General Fund of York County for the purposes shown for the fiscal year 1965-1966:

Maintenance, Courthouse, Agriculture	
Building and Office Buildings	\$ 5,000.00
Maintenance of County Roads	3,000.00
	<hr/>
	\$ 8,000.00

SECTION 2. This act shall take effect upon approval by the Governor.

Approved the 13th day of June, 1966.

RULES AND REGULATIONS

Adopted Under General And Permanent Laws Of The State Of South Carolina

FILED IN THE OFFICE OF THE SECRETARY OF STATE AS OF
JULY 31, 1966

Published Pursuant to Section 1-16, Code of Laws of
South Carolina, 1962

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RULES AND REGULATIONS

BOARD OF CERTIFIED PUBLIC ACCOUNTANT EXAMINERS

Promulgated under authority of Section 56-8 of the 1962 Code

(Filed in the office of the Secretary of State January 3, 1966)

Regulations

- 1.56-12 (a) An applicant for examination must submit satisfactory evidence that he is a citizen of the United States or has declared his intention of becoming a citizen and that he is a bona fide resident of South Carolina at least twenty-one years old.
- (b) To meet the requirement for satisfactory completion of two years of study at one or more colleges or universities, or graduation from a junior college recognized by the Board, the applicant must have earned the equivalent of sixty or more semester hours of college credits. For the purpose of the foregoing, the Board will recognize any business college or other college or university which is recognized by a regional educational accrediting association.
- (c) After July 1, 1968 the Board will recognize any college or university accredited by the Southern Association of Colleges and Schools or any other regional educational association having the equivalent standards. Special permission will be granted to a senior in good standing in a recognized college or university to sit for the examination; however, a certificate will not be issued until such time as the candidate has obtained his baccalaureate degree.
- (d) In order for the educational requirements of § 56-12 to be waived in the case of a candidate who was practicing or employed in public accounting on July 1, 1965, the candidate must submit evidence satisfactory to the Board that on such date (a) public accounting constituted his principal trade, business or employment; (b) that he or his employer offered accounting services of a general type normally offered by public accountants, and (c) that such services were performed on a full-time basis.
- (e) The Board will waive the educational requirement of § 56-12 (1) for any candidate who achieves a satisfactory score on a special examination to be selected by the Board.
- (f) The Board will waive the educational requirement of § 56-12 (2) for any candidate who achieves a score of at least 500 on Advanced Test in Business of the Graduate Record Examination and 480 on the Verbal and Quantitative Sections of the Aptitude Graduate Record Examination.
- (g) The special examinations required will be administered by the University of South Carolina but special permission may be

granted to a candidate to be examined at another college or university outside South Carolina.

The Board shall charge an application fee of \$10.00 for the special written examination. The candidate shall also pay any charges for such examination assessed by the administering college or university.

- 1.56-13 (a) In order to prevent undue hardship, the educational requirements which must be met by a candidate shall be those requirements which were in effect when he first sat for the examination, provided he has been re-examined at least annually subsequent to the date of any change in the educational requirements.
- (b) Where a candidate has obtained all or any portion of his public accounting experience on a part-time basis, the Board will consider 2,000 hours of such part-time experience as being the equivalent of one year of the required experience.
- (c) Examinations shall be given in the following subjects: Theory of Accounts, Accounting Practice, Auditing, Commercial Law and such other related subjects as the Board may prescribe. The Board uses the uniform certified public accountant examination prepared by the American Institute of Certified Public Accountants. This permits applicants who possess the required qualifications to be eligible for membership in the American Institute of Certified Public Accountants without further examination. Eligibility for Institute membership, however, is not a requisite for the issuance of a certificate by this Board.
- (d) If any applicant shall receive a passing grade in any two or more of the above subjects, or a passing grade in both sections of Accounting Practice alone, he shall be entitled to receive credits for the subjects passed and to be re-examined in the subjects failed, during the next three examinations given by the Board. Furthermore, if at the completion of the three re-examinations described above, the applicant shall have successfully passed any three subjects he will be granted an additional extended period of two more examinations to pass the remaining subject in which he has failed. If he fails to have passed at least three subjects during the initial three re-examinations or if he should fail to pass the remaining subject during the additional extended period, all prior credits shall become null and void. Credit for passing any subject cannot extend beyond five consecutive re-examinations in any event.
- (e) Applicants who are qualified to take the examination in this State, and who have previously received partial credits for passing subjects under the jurisdiction of another State Examining Board, may arrange to have their credits transferred to the South Carolina Board, provided the passing grades are those awarded by the American Institute of Certified Public Accountants Advisory Grading Service, and that the Board of the State of jurisdiction will so certify. Any credits transferred under the

foregoing provision shall be subject to the same conditions and have the same status as credits awarded to South Carolina candidates.

Applications for examination and re-examination shall be submitted at least three weeks prior to the date of the examination on forms furnished by the Board and shall be accompanied by a remittance of the proper fee determined as follows:

Application Fee	\$10.00
Accounting Practice	10.00
Theory of Accounts	5.00
Commercial Law	5.00
Auditing	5.00

The \$10.00 application fee portion of the total fee shall be paid with each application for examination or re-examination and will not be refunded for any cause.

- 1.56-14 (a) The fee for the issuance of a certificate by the Board shall be \$10.00. No further license fee shall be charged until the next renewal date.
- 1.56-18 (a) In order for a certificate to be issued by reciprocity, the applicant must submit evidence satisfactory to the Board that the standards in the state or foreign country issuing his original certificate are fully equivalent to the standards in this State. For this purpose, the standards required are those standards which were in effect in this State on the date of issue of the applicant's original certificate by another state or foreign country. In addition, the applicant must demonstrate a professional need for a South Carolina certificate.
- 1.56-19 (a) A non-resident certified public accountant will not be considered to be holding himself out as a certified public accountant in this State when the services performed within this State are incident to his regular practice outside this State and such services do not exceed a total of ten days in one calendar year. If a non-resident principal or partnership is not qualified to register with the Board, then the supervisory partner or employee performing services in this State must register as an individual. It is not necessary to register every staff certified public accountant engaged in this State, provided the engagement is under the immediate supervision of a registered certified public accountant. Annual fees for registration are \$5.00 for an individual and \$10.00 for a partnership.
- 1.56-20 (a) The Board will, upon application, waive payment of the annual license fee upon certification that the applicant is retired from all active business and is not engaged in any form of public accounting. Applications for waiver due to illness will be considered on an individual basis considering all relative factors.
- 1.56-26 (a) As provided in this section, each office established or maintained in this State by a certified public accountant or firm of

certified public accountants for the practice of public accounting must be under the direct supervision of a resident manager who is a certified public accountant. For this purpose, a "resident manager" is one who maintains his personal residence within a reasonable commuting distance of such office and is present at such office or servicing clients from such office during the principal portion of the time that such office is open.

Code of Professional Ethics

ARTICLE 1. RELATIONS WITH CLIENTS AND PUBLIC

- 1.01 Neither a CPA, nor a firm of which he is a partner, shall express an opinion on financial statements of any enterprise unless he and his firm are in fact independent with respect to such enterprise. Independence is not susceptible of precise definition, but is an expression of the professional integrity of the individual. A CPA, before expressing his opinion on financial statements, has the responsibility of assessing his relationships with an enterprise to determine whether, in the circumstances, he might expect his opinion to be considered independent, objective and unbiased by one who had knowledge of all the facts.

A CPA will be considered not independent, for example, with respect to any enterprise if he, or one of his partners, (a) during the period of his professional engagement or at the time of expressing his opinion, had, or was committed to acquire, any direct financial interest or material indirect financial interest in the enterprise, or (b) during the period of his professional engagement, at the time of expressing his opinion or during the period covered by the financial statements, was connected with the enterprise as a promoter, underwriter, voting trustee, director, officer or key employee. In cases where a CPA ceases to be the independent accountant for an enterprise and is subsequently called upon to re-express a previously expressed opinion on financial statements, the phrase "at the time of expressing his opinion" refers only to the time at which the CPA first expressed his opinion on the financial statements in question. The word "director" is not intended to apply to a connection in such a capacity with a charitable, religious, civic or other similar type of nonprofit organization when the duties performed in such a capacity are such as to make it clear that the CPA can express an independent opinion on the financial statements. The example cited in this paragraph, of circumstances under which a CPA will be considered not independent, is not intended to be all-inclusive.

- 1.02 A CPA shall not commit an act discreditable to the profession.
- 1.03 A CPA shall not violate the confidential relationship between himself and his client.
- 1.04 Professional service shall not be rendered or offered for a fee which shall be contingent upon the findings or results of such service. This rule does not apply to cases involving federal, state, or other

taxes, in which the findings are those of the tax authorities and not those of the accountant. Fees to be fixed by courts or other public authorities, which are therefore of an indeterminate amount at the time when an engagement is undertaken, are not regarded as contingent fees within the meaning of this rule.

ARTICLE 2. TECHNICAL STANDARDS

- 2.01 A CPA shall not express his opinion on financial statements unless they have been examined by him, or by a member or employee of his firm, on a basis consistent with the requirements of Rule 2.02.

In obtaining sufficient information to warrant expression of an opinion he may utilize, in part, to the extent appropriate in the circumstances, the reports or other evidence of auditing work performed by another certified public accountant, or firm of public accountants, at least one of whom is a certified public accountant, who is authorized to practice in a state or territory of the United States or the District of Columbia, and whose independence and professional reputation he has ascertained to his satisfaction.

A CPA may also utilize, in part, to the extent appropriate in the circumstances, the work of public accountants in other countries, but the member or associate so doing must satisfy himself that the person or firm is qualified and independent, that such work is performed in accordance with generally accepted auditing standards, as prevailing in the United States, and that financial statements are prepared in accordance with generally accepted accounting principles, as prevailing in the United States, or are accompanied by the information necessary to bring the statements into accord with such principles.

- 2.02 In expressing an opinion on representations in financial statements which he has examined, a CPA may be held guilty of an act discreditable to the profession if:

- (a) he fails to disclose a material fact known to him which is not disclosed in the financial statements but disclosure of which is necessary to make the financial statements not misleading; or
- (b) he fails to report any material misstatement known to him to appear in the financial statement; or
- (c) he is materially negligent in the conduct of his examination or in making his report thereon; or
- (d) he fails to acquire sufficient information to warrant expression of an opinion, or his exceptions are sufficiently material to negative the expression of an opinion; or
- (e) he fails to direct attention to any material departure from generally accepted accounting principles or to disclose any material omission of generally accepted auditing procedure applicable in the circumstances.

- 2.03 A CPA shall not permit his name to be associated with statements purporting to show financial position or results of operations in

such a manner as to imply that he is acting as an independent public accountant unless he shall:

- (a) express an unqualified opinion; or
- (b) express a qualified opinion; or
- (c) express an adverse opinion; or
- (d) disclaim an opinion on the statements taken as a whole and indicate clearly his reasons therefor; or
- (e) when unaudited financial statements are presented on his stationery without his comments, disclose prominently on each page of the financial statements that they were not audited.

- 2.04 A CPA shall not permit his name to be used in conjunction with any forecast of the results of future transactions in a manner which may lead to the belief that the CPA vouches for the accuracy of the forecast.

ARTICLE 3. PROMOTIONAL PRACTICES

- 3.01 A CPA shall not advertise his professional attainments or services. Publication in a newspaper, magazine or similar medium of an announcement or what is technically known as a card is prohibited.

A listing in a directory is restricted to the name, title, address and telephone number of the person or firm, and it shall not appear in a box, or other form of display or in a type or style which differentiates it from other listings in the same directory. Listing of the same name in more than one place in a classified directory is prohibited.

- 3.02 A CPA shall not endeavor, directly, or indirectly to obtain clients by solicitation.

- 3.03 A CPA shall not make a competitive bid for a professional engagement. Competitive bidding for public accounting services is not in the public interest, is a form of solicitation, and is unprofessional.

- 3.04 Commissions, brokerage, or other participation in the fees or profits of professional work shall not be allowed or paid directly or indirectly by a CPA to any individual or firm not regularly engaged or employed in the practice of public accounting as a principal occupation.

Commissions, brokerage, or other participation in the fees, charges or profits of work recommended or turned over to any individual or firm not regularly engaged or employed in the practice of public accounting as a principal occupation, as incident to services for clients, shall not be accepted directly or indirectly by a CPA.

ARTICLE 4. OPERATING PRACTICES

- 4.01 A firm or partnership, all the individual members of which are certified public accountants, may describe itself as "Certified Public Accountants", but a firm or partnership, not all the individual members of which are certified public accountants, or an individual practicing under a style denoting a partnership when in fact there be no

partner or partners, or a corporation, or an individual or individuals practicing under a style denoting a corporate organization shall not use the designation "Certified Public Accountants".

- 4.02 A CPA shall not practice in the name of another unless he is in partnership with him or in his employ, nor shall he allow any person to practice in his name who is not in partnership with him or in his employ.

This rule shall not prevent a partnership or its successors from continuing to practice under a firm name which consists of or includes the name or names of one or more former partners, nor shall it prevent the continuation of a partnership name for a reasonable period of time by the remaining partner practicing as a sole proprietor after the withdrawal or death of one or more partners.

- 4.03 A CPA in his practice of public accounting shall not permit an employee to perform for the CPA's clients any services which the CPA himself or his firm is not permitted to perform.
- 4.04 A CPA shall not engage in any business or occupation conjointly with that of a public accountant, which is incompatible or inconsistent therewith.
- 4.05 A CPA engaged in an occupation in which he renders services of a type performed by public accountants, or renders other professional services, must observe the Code of Professional Ethics of the Board in the conduct of that occupation.
- 4.06 A CPA shall not be an officer, director, stockholder, representative, or agent of any corporation engaged in the practice of public accounting in any state or territory of the United States or the District of Columbia.

ARTICLE 5. RELATIONS WITH FELLOW MEMBERS

- 5.01 A CPA shall not encroach upon the practice of another certified public accountant. A CPA may furnish service to those who request it.
- 5.02 A CPA who receives an engagement for services by referral from another CPA shall not discuss or accept an extension of his services beyond the specific engagement without first consulting with the referring CPA.
- 5.03 Direct or indirect offer of employment shall not be made by a CPA to an employee of another CPA without first informing such CPA. This rule shall not be construed so as to inhibit negotiations with anyone who of his own initiative or in response to public advertisement shall apply to a CPA for employment.

AGRICULTURE COMMISSIONER

Promulgated under authority of Sections 3-402; 3-448; 3-608; 32-1525; 32-1536; 32-1557; 32-1570; 32-1609; 32-1710; 32-1720.2; 66-408; 66-415; 66-627 and 69-104 of the 1962 Code

(Filed in the office of the Secretary of State August 3, 1965)

It shall be unlawful to use the name of the South Carolina Department of Agriculture or any of its Divisions for advertising purposes; when such advertising is in connection with the Department's laboratory reports on test analyses of samples of food, feed, petroleum products, warehouse stocks, etc., whether such samples have been officially drawn by the Department's inspectors or submitted by individuals, firms, manufacturers, processors, service organizations, and wholesale or retail distributors.

Provided: This regulation shall not apply to seed laboratory reports where same show laboratory's official sample number, name, and variety of seed, percentages of germination and purity and purity determination factors, also month and year the seed were tested.

Promulgated under authority of Section 66-163 of the 1962 Code

(Filed in the office of the Secretary of State August 3, 1965)

The use of the name of the South Carolina Department of Agriculture or any of its Divisions is prohibited on form(s) and in advertisement(s) by individuals, firms, manufacturers, public service organizations and others where such form(s) or advertisement(s) may be construed to indicate that the South Carolina Department of Agriculture or its Divisions certifies to the accuracy of weighing and measuring equipment and/or authorizes the users of such form(s) or advertisement(s) that the South Carolina Department of Agriculture endorses or is a party to the statement(s) made in such form(s) or public advertisement(s).

Promulgated under authority of Section 3-608 of the 1962 Code

(Filed in the office of the Secretary of State January 3, 1966)

Item 1 of Regulations as recorded October 8, 1964:

Definition

1. The term "Concentrated Commercial Feeding Stuff" defined in Section 3-601 Code of Laws of South Carolina, is further defined and held to include:

All materials which are distributed for use as feed or for mixing in feed, other than for man, except:

- (a) Whole hays, straw, cotton seed hulls, and corn stover, when the same are not mixed with other materials, and
- (b) The unmixed whole seeds of grains of cereals when not mixed with other materials. Also such unmixed whole seeds of grains of cereals found by inspection to be in such damaged condition as to be unfit for feed purposes, and which may not therefore be mixed with other materials or sold or distributed in any manner for feed purposes.

Item 1 of Regulations as amended:

1. The term "Concentrated Commercial Feeding Stuff" defined in Section 3-601 Code of Laws of South Carolina, is further defined and held to include:

All materials which are distributed for use as feed or for mixing in feed, other than for man, except:

- (1) Whole hays, straw, cotton seed hulls, corn stover, and ground corn cob and shuck; provided raw and unprocessed fresh or frozen fish, beef, horse meat, poultry and by-products of these items, together with and including limestone, granite, all oyster shell, and grit or similar substance, when they are not mixed with other materials, shall also be excepted, and
- (2) The unmixed whole seeds or grains of cereals when **not** sold, offered or exposed for sale, distributed, exchanged, swapped, substituted or bartered, and/or to be used for mixing with other materials, or for processing as feed. Also such unmixed whole seeds or grains of cereals found by inspection to be in such damaged condition as to be unfit for feed purposes, and which may not therefore be mixed with other materials or sold or distributed in any manner for feed purposes.

BOARD OF ARCHITECTURAL EXAMINERS

Promulgated under authority of Section 56-54 of the 1962 Code

(Filed in the office of the Secretary of State August 3, 1965)

That section of paragraph 7 pertaining to registration and identified as "Class C" which reads as follows is repealed:

"Class C—To any applicant who has ten or more years legal architectural practice as a principal, upon a satisfactory showing of his competency by an exhibit of his work in the form of plans, specifications and photographs of at least three completed buildings; and of his professional standing and character by statement and references, or by personal appearance and oral examination before the Board.

If the applicant holds the certificate of the National Council of Architectural Registration Boards and his NCARB Record in Blue Cover is filed with his application, he will not be required to submit an exhibit of plans and specifications."

BOARD OF BANK CONTROL

Promulgated under authority of Section 8-56 of the 1962 Code

(Filed in the office of the Secretary of State December 22, 1965)

Regulation 4-P

State Chartered Banks are hereby permitted to deal in the purchase and sale of Federal Funds in the same manner as may be prescribed for National Banks and the sale of such funds would not create a loan on the part of the seller nor would it create a borrowing on the part of the purchaser, but would be considered a purchase and sale of such funds.

Promulgated under authority of Act No. 988 of 1966, referred to in the following regulations as "the Act."

(Filed in the office of the Secretary of State July 19, 1966)

Regulation 1—Consumer Finance Act

Name of Manager: Section 3(a) of the Act, Rule 1.

Name of the manager or other officer in charge of the licensed place of business must be filed with the Board of Bank Control and notice of any change in management promptly reported, giving the name of new manager, employment record for previous five year period, with names and addresses of former employers, positions held, and dates covering each position. This is the responsibility of the immediate superior.

Purchase of Accounts: Section 7 of the Act, Rule 1.

Any licensee who purchases loan accounts from another licensee or through any means shall notify the Board of Bank Control ten (10) days before such purchase, stating the name and address of the licensee or other source from whom the purchase was made, the number of accounts involved and the total balances due thereon.

Sale of Accounts: Section 7 of the Act, Rule 2.

Any licensee who sells loan accounts to another licensee shall notify the Board of Bank Control within ten (10) days before such sale, stating the name and address of the person, firm or corporation to whom the sale was made, the number of accounts involved and the balances due thereon.

Examination Fess: Section 9(a) of the Act, Rule 1.

For each examination by the Board of Bank Control or its representative, with the exception of the first examination in the calendar year, a fee will be charged for the actual cost of such examination in the amount of twenty-five dollars (\$25.00) for each day or part thereof.

Books and Records: Section 10(a) of the Act, Rule 1.

Books and records. Every licensee shall keep the following books and accounting records at the place of business designated in the license:

(1) Loan Register:

Every licensee must keep the following information readily available and in such form as is acceptable to the Board of Bank Control. Each loan must be recorded and kept currently posted daily in consecutive numerical order showing the following information. This could be individual loose-leaf form, one book or a combination form.

A. Loan number.

B. Date of loan.

C. Name of Borrower.

D. Brief description of security.

E. AMOUNT OF GROSS NOTE—\$50.00 or less.

AMOUNT OF GROSS NOTE—\$50.01-\$90.00

AMOUNT OF GROSS NOTE—\$90.01-\$100.00

AMOUNT OF GROSS NOTE—\$100.01-\$200.00

AMOUNT OF GROSS NOTE—\$200.01-\$400.00
AMOUNT OF GROSS NOTE—\$400.01-\$600.00
AMOUNT OF GROSS NOTE—\$600.01-\$1,000.00
AMOUNT OF GROSS NOTE—\$1,000.01-\$2,000.00
AMOUNT OF GROSS NOTE—\$2,000.01-\$4,000.00
AMOUNT OF GROSS NOTE—\$4,000.01-\$7,500.00

(2) **Account Record Card:**

A separate account record ledger sheet or card must be maintained for each loan made to any one borrower. Each account record card must be posted in ink or typewriter with no erasures in a clear and legible manner, with spaces provided for the following information.

- A. Loan register number of loan.
- B. Date of loan.
- C. Name, address, marital status, date of birth and occupation of borrower.
- D. Brief description of security, if any.
- E. All charges itemized as follows:
 - (1) Cash to borrower.
 - (2) Insurance—Life.
Insurance—A&H.
Insurance—Property.
 - (3) Initial charge.
 - (4) Finance charge.
 - (5) Others (Explain).
- F. Total amount of obligation, including all charges.
- G. Terms of repaying.
- H. All scheduled repayment dates listed on account record (if weekly). On a monthly contract, at least first month repayment date must appear.
- I. All payments recorded opposite scheduled repaying dates showing the following:
 - (a) Date of payment.
 - (b) Total amount paid.
 - (c) Delinquent or deferment charge, if any.
 - (d) Remaining balance.
- J. Name and address of co-maker or endorser, if any.
- K. All refunds **itemized** and signed by borrower on account record card or stapled thereto.
- L. Date of death of borrower on face of account card in case maker dies during the term of loan contract.
- M. All paid-out individual account records, borrower renewals, etc., must be filed alphabetically or by account number, or monthly renewal date, and kept for two (2) years. Violations will be noted when licensee cannot locate an account card within a reasonable time after request.

When an error is made on an individual account record card, a line shall be drawn through the improper entry, the correct entry made on the following line, and the correcting entry initialed by the individual making such correction. The entries on the individual account record shall correspond with the receipts given the borrower. **No erasures**, whatsoever, may be made on the face of the individual account record. This includes the refund section.

(3) **Cash Book:**

The cash book shall be of the columnar type, in which all transactions of receipts and disbursements of any amount whatsoever shall be entered. All such entries must be made as of the exact date of transaction. Cash book must be balanced at least weekly. Columns in this book must be sufficient to reflect opposite borrower's name, or account number, the following information:

- A. All charges itemized against loan.
- B. Payments received.
- C. Late fees received and/or deferment charge.
- D. Refunds itemized against appropriate item.

(4) **General Ledger:**

The general ledger must show in full detail the assets and liabilities of the business conducted in the licensed office. **If you have a general ledger reserve account for bad debts, all recoveries or collections on accounts previously charged off must be credited to this account.** The general ledger shall be posted at least monthly and a trial balance or balance sheet must be prepared within twenty days after a request from the Consumer Finance Division, Board of Bank Control. Organizations operating more than one licensed office may maintain a general ledger at their home office, provided the trial balance or balance sheet of the licensed offices are available to the Consumer Finance Examiner at the licensed offices within twenty days after request.

The Board of Bank Control reserves the right to require that the general ledger maintained at the home office be produced promptly after notice to the licensee. Any charge made to any licensed office by the home office to cover any item of expense must be in such detail as to show the nature of the expense. The use of combination forms of daily reports or special systems must be approved by the Board of Bank Control.

(5) **Individual File or Shucks:**

An envelope or other similar file, commonly called shucks, must be maintained for each borrower, in which shall be filed all of the original notes or other evidences of indebtedness or security. If the original note is not on file, a memo indicating the whereabouts of the original shall be so filed in the said envelope. All legal instruments taken in connection with any loan contracts must bear the consumer finance number.

Only one file shall be maintained for each borrower, regardless of the number of loans closed or outstanding, except where such borrower is a co-maker, guarantor or endorser with other borrowers.

(6) Index to Borrowers:

Every licensee will keep an index record filed alphabetically or by account number on which all loans to each individual will be entered. This index may be kept on the face of the individual file or shuck, as per paragraph (5). The following information must be entered in order showing

- (1) Loan number.
- (2) Date made.
- (3) Gross amount of note.
- (4) Date of cancellation.

(7) Records:

All records and papers, including notes and other evidences of indebtedness or security signed by the borrower, shall be kept in the licensed place of business and made available to the representatives of the Board of Bank Control at any time without previous notice, unless the notes are hypothecated or deposited as collateral, in which case they must be under agreement permitting the representatives of the Board of Bank Control to examine the notes so hypothecated at any time. In the event such notes are deposited as collateral, unsigned copies of the same shall be kept on hand for examination.

The records of the licensee, such as individual account records or similar records, shall contain all essential details with respect to court actions involving collection of loans. The amount of court costs charged to the borrower shall be shown thereon. The files of the licensee must show that all pertinent provisions of the law have been compiled with.

If any other business than that authorized under the Consumer Finance Act is conducted in the same office, the licensee shall fairly and equitably allocate all expenses for the purpose and with the result that the books relating to the licensee's business under the Act will fairly reflect the expense of conducting such business.

Copy of the S. C. Consumer Finance Act and Regulations: Section 10(a) of the Act, Rule 2.

Each licensee will be issued one (1) complete set of the Consumer Finance Act and Regulations, which must be used and kept on file in each licensee's place of business. Additional copies may be obtained from the Consumer Finance Division for the sum of \$1.00 per set which must accompany the request.

Deposited Notes: Section 10(c) of the Act, Rule 1.

When a note and/or mortgage has been deposited as collateral and is not physically present in the office when a loan is discharged in full, a statement shall be given the borrower, signed by the manager, which states that the loan is terminated and that the note and/or mortgage are cancelled. Within thirty (30) days thereafter, the original note and/or mortgage shall be obtained and returned to the borrower.

Phrases Permissible: Section 12 of the Act, Rule 1.

No licensee shall state or indicate that he is licensed by or subject to the Board of Bank Control or the State of South Carolina, except by use of the following phrase: "Licensed by the State of South Carolina." This phrase must be widely separated and distinct from any other phrase or information published in sign or letter form.

Rate Schedule: Section 12 of the Act, Rule 2.

If any licensee advertises that loans will be made at a specified schedule, it must include the actual cash given to the borrower, after **ALL** deductions have been made, together with the total number, time between and the amount of each payment. Loans actually made of the class advertised shall not be subject to any higher schedule of charges.

Consolidating of Other Loans: Section 12 of the Act, Rule 3.

Licensees shall not state or suggest in any advertising in any manner that they will pay and discharge a loan which the prospective borrower has with another licensee, provided that advertising of loans for the purpose of consolidating outstanding obligations shall be permitted.

Outside Solicitation: Section 12 of the Act, Rule 4.

No licensee shall advertise for or solicit loans by having an agent or employee of such licensee make a door to door campaign distributing hand bills, circulars or loan applications.

Emergency Loans: Section 13(b) of the Act, Rule 1.

All loans shall be made at the place named in the license, except that in case of an emergency, loans may be made elsewhere with prior permission of the Board of Bank Control.

Business Hours: Section 13(b) of the Act, Rule 2.

The place of business designated in the license shall be open to receive payments from borrowers during customary hours of each business day (Sunday and holidays excepted).

Qualified Personnel: Section 13(b) of the Act, Rule 3.

A qualified agent of the company with a working knowledge of the South Carolina Consumer Finance Act must be present during business hours.

Refunds: Section 14(c) of the Act, Rule 1.

All refunds shall be made in cash. Refunds may be subtracted from the current loan in order to find the net balance the borrower owes. It cannot be credited to the subsequent or new loan.

More Than One Contract: Section 14(d) of the Act, Rule 1.

No licensee shall induce any person to become obligated directly or contingently, or both, under more than one contract or loan at the same time by referring such person to another licensed place of business in which such licensee has an interest directly or indirectly or by any plan or agreement between two licensees having no interest in the business of the other licensee for the purpose of or with the result of obtaining a higher rate of interest or greater charge than would otherwise be permitted by this Act.

Deferment Charge: Section 14(f) of the Act, Rule 1.

When a deferment charge is granted, permitted, or assessed, the borrower must sign a statement on the date of such agreement to the effect that such charge has been paid or will be added to the account, as the case may be. The borrower must be furnished a legible copy of such statement containing all details.

Receipts or Coupon Book: Section 15(b) of the Act, Rule 1.

For each payment made on any loan, the licensee shall furnish a full and complete receipt or coupon showing the following information:

1. Loan number.
2. Name or number of borrower.
3. Principal payment.
4. Late fee, if any.
5. Name of licensee.
6. Name or initial of person issuing the receipt.

Statement of Pay-Off: Section 15(c) of the Act, Rule 1.

Each licensee shall upon personal request furnish the borrower a written statement with respect to the amount of money necessary to pay off the account. This statement shall disclose the following information:

1. Date of request.
2. Net pay off, including delinquent charge and refunds, if applicable, (as of date of request).
3. Date loan must be paid prior to in order to obtain net pay off.
4. Signature of person furnishing statement.

Blanks in Loan Papers: Section 15(d) of the Act, Rule 1.

Before the borrower's signature is affixed, all blank spaces on every document which a borrower is required to sign in obtaining a loan must be completed. Where the combination note and mortgage is used and the borrower has to sign at the bottom, the mortgage must be marked NONE, when only the note section is used. The borrower must be furnished a legible copy of the note and mortgage.

Checks as Security: Section 15(d) of the Act, Rule 2.

No licensee shall take a check or checks from a borrower for the purpose of holding the same as evidence of the indebtedness incurred by a borrower.

Mortgagees' Signatures: Section 15(e) of the Act, Rule 1.

All chattel mortgages taken as security on a loan must have the signature of the spouse when the mortgage applies to household furniture. Household furniture can be defined as anything in the house which is used by the whole family and, if taken by legal action, would create a hardship. For example—a bedroom suite, refrigerator, washing machine, living room suite, etc., would be considered household furniture and requires both signatures. Lawn mower, sewing machine, radios, tools, automobile, etc., would not be considered household furniture for the purpose of this section.

Power of Attorney: Section 17 of the Act, Rule 1.

No Power of Attorney can be used.

BOARD OF BARBER EXAMINERS

Promulgated under authority of Section 56-268 of the 1962 Code

(Filed in the office of the Secretary of State November 22, 1965)

**Approved Barber Schools and Colleges and Training under
Registered Barber**

Paragraph 14 Sub-Section J is amended to read as follows:

(j) have no prices listed, sign or emblem representing that it is for the benefit of barber shop customers and have the effect of a barber shop. Any sign must be designated as a barber school or college and must show all work to be done by students who are working during their period of training. NO SCHOOL OR COLLEGE SHALL BE IN ANY WAY CONNECTED WITH A BARBER SHOP.

The following paragraph is added and shall be known as Paragraph 14, Sub-Section S:

(s) Location of Barber Schools or Colleges or Training Schools where the art of barbering is taught. The location of such barber schools, colleges or training schools to be approved by the Board after the said Board has been satisfied of the following by the applicant:

(1) that the area designated is not in direct conflict with any barber shop or group of barber shops.

(2) that the population in this area to be selected is large enough to allow each student enough practical training.

(3) that no barber college, barber school or training school where the art of barbering is taught shall be located no closer than six miles from any existing barber school.

CLEMSON UNIVERSITY

Promulgated under authority of Section 3-504 of the 1962 Code

(Filed in the office of the Secretary of State November 19, 1965)

The following regulation is promulgated, effective July 1, 1966:

Item 5. Liquid Commercial Fertilizers

Liquid Commercial Fertilizers, Sampling: Each liquid commercial fertilizer stationary storage tank shall be equipped with a permanent

sampling outlet, the design and installation of which shall be approved by the Fertilizer Inspection and Analysis Department, Clemson University. The sampling installations shall comply fully with all South Carolina safety codes. Prior to installation, a sketch or drawing of the sampling outlet, giving detail of dimensions, fittings, and location of attachment to tank and accessibility for drawing samples for each type tank installation, shall be submitted to the Fertilizer Inspection and Analysis Department, Clemson University, Clemson, South Carolina, for approval.

Item 6. Chlorine in Tobacco Fertilizer

- (1) The regulation of the Fertilizer Board of Control, adopted March 21, 1958, effective July 1, 1958, as follows, is revoked, effective July 1, 1966:

That the maximum chlorine guarantee in fertilizers branded for tobacco, side dresser, not exceed 5%, tobacco, general crop, not exceed 3%; and fertilizers branded for tobacco plant beds not exceed 1%.

- (2) The following regulation is promulgated, effective July 1, 1966:

The maximum chlorine guarantee in fertilizers branded for tobacco is as follows:

(1) The maximum chlorine guarantee permitted in tobacco plant bed fertilizers shall be .50 per cent.

(2) The maximum chlorine guarantee permitted in regular field crop tobacco fertilizers shall be 2.00 per cent.

(3) The maximum chlorine guarantee permitted in tobacco side dressers shall be 2.00 per cent.

State Crop Pest Commission

Promulgated under authority of Section 3-104 of the 1962 Code

(Filed in the office of the Secretary of State March 22, 1966)

Imported Fire Ant Quarantine

Revised January 1, 1966.

Sweet Potato Weevil Quarantine

Revised February 1, 1966.

Those interested in either of these two regulations should refer to the copy which is filed in the office of the Secretary of State.

DAIRY COMMISSION

Promulgated under authority of Section 32-1630(1) (a and b) of the 1962 Code

(Filed in the office of the Secretary of State February 16, 1966)

Effective March 1, 1966, Regulation No. 1 is amended by adding the following words and terms to the Definitions:

7. "Exporter"—Any person who owns or operates a milk receiving station or milk processing plant located outside of South Carolina from which grade A bulk milk or grade A processed milk and milk products are shipped into South Carolina.

8. "Bulk Milk"—Grade A raw milk for pasteurization acquired or received (on a regular basis) by a milk receiving station or milk processing plant from one or more dairy farmers or from another receiving station or processing plant.
9. "Processed Milk and Milk Products"—Milk or any product made from bulk milk which has been pasteurized and placed in its final container for sale to the consuming public and which may be defined as grade A milk or as a grade A milk product pursuant to Section 32-8, 1962 Code of South Carolina.
10. "Milk Shed"—The receiving station, processing plant and other facilities used by an exporter in receiving, handling and processing bulk milk, or the dairy farmers from whom the exporter regularly receives grade A raw milk for pasteurization.

The Rules and Regulations of the South Carolina State Dairy Commission, as amended, are amended by inserting the following Regulation as Regulation No. 6 and by redesignating the Regulations subsequent thereto to conform.

Regulation No. 6

Bulk Milk and Processed Milk and Milk Products Imported into South Carolina:

- A. No person shall ship, consign for shipment, bring, or receive into the State of South Carolina, or its police jurisdiction, any bulk milk for fluid distribution or any processed milk and milk products, unless he has made application to and received from the State Dairy Commission, in the manner prescribed by this Regulation, an appropriate permit as required by Section 32-1640.11 et seq., Code of South Carolina, 1962.
1. Shipper's Permit—A permit to ship bulk milk or processed milk and milk products or to consign the same for shipments into South Carolina may be obtained by submitting to the Commission at least sixty days prior to the first day on which such products are to arrive in South Carolina, and annually thereafter if the original Application is approved, an "Application for Permit to Ship Milk into South Carolina."
- a. The Application shall be submitted in triplicate, on forms furnished by the Commission, and shall include a certificate from the state or local agency charged with the duty of inspecting and grading at the point of origin all bulk milk received and all processed milk and milk products offered for sale by the applicant, and a certificate showing the name and address of each person from whom bulk milk is regularly obtained by the applicant, the grade thereof and the name of the rating agency grading such milk. The triplicate copy shall be returned to the applicant marked "Approved" or "Disapproved," the duplicate copy of an approved application shall be forwarded by the Commission to the South Carolina State Board of Health and the original copy shall be retained by the Commission.
- b. The Commission, upon its approval of an application to ship milk into South Carolina, may issue to the applicant:

- (1) A permit authorizing the applicant, during the period specified on the permit, to ship or to bring processed milk and milk products into South Carolina from the location, as specified on the permit, at which such products were processed and packaged; or,
 - (2) A permit, upon a written or telephone request to the Commission office (from time to time as determined by the demand in South Carolina for bulk milk) by an exporter who holds a current approved application for permit to ship bulk milk into South Carolina, authorizing the applicant to ship bulk milk into South Carolina, on the date, in the amount and for delivery to the distributor specified on the permit, from the location as specified on the permit at which such milk was received or normally would have been received from dairy farmers.
 - (3) Each exporter shall send to the Commission, at least four hours prior to dispatching each tank of bulk milk for delivery into South Carolina, a telegraphic notice which shall set forth: the name and address of the distributor to whom such milk is being shipped, the date and approximate hour when such milk will arrive at its destination in South Carolina and the quantity of milk contained in such tank.
2. Receiver's Permit—A permit to receive grade A processed milk and milk products into South Carolina may be obtained by a licensee by submitting, on forms furnished by the Commission, an "Application for Permit to Receive Processed Milk and Milk Products into South Carolina," and a permit to receive bulk milk into South Carolina may be obtained (from time to time as determined by the demand for bulk milk in South Carolina) by a distributor upon a written or telephone request to the Commission office and by specifying to the Commission the name and address of the exporter from whom the bulk milk is to be obtained.
- a. The Commission, upon receipt of an application or a request for a Receiver's Permit, may issue to a licensee:
- (1) A permit authorizing the licensee, during the period specified on the permit, to receive into South Carolina processed milk and milk products from the location specified on the permit at which such products were processed and packaged; or,
 - (2) A permit authorizing the licensee, on the date and in the amount specified on the permit, to receive bulk milk into South Carolina from the location, as specified on the permit, at which such milk was received or normally would have been received from dairy farmers.
3. All applications for permits to ship and to receive bulk milk or processed milk and milk products into South Carolina and any permits issued pursuant thereto shall become void on December 31 of each year.
- B. The Commission, before approving an application by or issuing a permit to an exporter, shall determine by inspection the sanitary compli-

ance rating of such exporter's milk shed from which bulk milk or processed milk and milk products are to be shipped into South Carolina.

1. In order to acquire or retain a permit to ship bulk milk or processed milk and milk products into South Carolina, an exporter shall obtain and maintain a sanitary rating of not less than 90% compliance on any inspection or survey conducted by the Commission of the exporter's milk shed.
2. The Commission shall inspect and survey the milk shed of an exporter who holds an approved Application for Permit to Ship Milk into South Carolina at least once every twelve months, or as often as the Commission may deem necessary.
3. The Commission shall furnish each exporter with a copy of the inspection and a copy of summary of the survey of the exporter's milk shed, including the sanitary compliance rating scored on each, on any inspection or survey conducted by the Commission.
 - a. If an exporter scores a sanitary rating of less than 90% compliance on either an inspection or survey of his milk shed, the Commission shall notify such exporter that his previously approved Application for Permit is being placed on a probationary status for a period of thirty days effective from the receipt of such notice. The Commission, upon prompt written request from the exporter, shall re-inspect or re-survey such exporter's milk shed within the probationary period. All expenses of such re-inspection or re-survey shall be paid by the exporter and shall include the salary, travel, meals and lodging of the inspector. Failure of the exporter to score a sanitary compliance rating of at least 90% compliance on any re-inspection or re-survey shall result in suspension or revocation of any permit held by the exporter, or the Commission declining to issue any permit that may be requested by such exporter.
4. The Commission shall take at least four official samples each six months of processed milk and milk products shipped into South Carolina by each exporter for the purpose of determining, by laboratory examination of such samples, whether such products meet the minimum standards as to sanitation, quality and identification established by South Carolina for grade A milk and grade A milk products.
 - a. The methods of taking and examining official samples of processed milk and milk products and the procedure for degrading such products on the basis of official samples examined shall be the same as those established by the South Carolina State Board of Health pursuant to Section 32-8, 1962 Code of South Carolina.
- C. The Commission may issue a "Temporary Emergency Permit" to an exporter to ship and to a distributor to receive bulk milk into South Carolina, in seasons when bulk milk is in short supply and when bulk milk cannot be obtained from an exporter whose milk shed has been inspected and approved by the Commission, provided, the distributor makes a request in writing or by telephone to the Commission office and the Commission determines before issuing such permits that the only grade of raw milk received or handled by the exporter is grade A,

or that any bulk milk to be shipped into the State meets the minimum standards established by South Carolina for grade A raw milk for pasteurization.

- D. The standards for determining the sanitary compliance rating of an exporter's milk shed, and all other minimum standards relating to sanitation, quality, or identification of bulk milk or processed milk and milk products which the Commission may approve for shipment into South Carolina shall be at all times the same as those established by the South Carolina State Board of Health pursuant to Section 32-8, 1962 Code of South Carolina. The procedure to be used by the Commission for determining the sanitary compliance rating of an exporter's milk shed shall be the same as set forth in the latest edition of *Methods of Making Sanitation Ratings of Milk Sheds* as published by the U. S. Department of Health, Education and Welfare, Public Health Service.
- E. Each tank of bulk milk shipped into South Carolina shall be sealed at both the intake and outlet openings by the exporter and one seal shall bear a tag on which shall be clearly shown: the name and address of the exporter, the grade and amount of bulk milk in the tank, the number and date of the permit issued by the Commission covering the shipment and the date and hour on which the shipment was dispatched by the exporter for delivery into South Carolina. A distributor shall insure upon arrival and before receiving into his plant that each tank of bulk milk obtained from an exporter is sealed as herein required and such distributor shall retain the tag as herein required until an audit of the distributor's records for the month in which such milk was received has been conducted by the Commission.
- F. An Application for Permit to Ship Milk into South Carolina approved by the Commission shall be conditioned upon, in addition to any other requirements of South Carolina law, the applicant submitting to audit by the Commission all of his records relating to the receipts, sales and utilization of bulk milk.
- G. The Commission shall suspend any permits issued to an exporter who fails to comply with all the provisions of this regulation or the laws of South Carolina, and shall decline to issue a permit to an exporter who continues in a course of business which indicates to the Commission such exporter's unwillingness to comply with the same.
- H. A penalty of Two Hundred Dollars shall be assessed by the Commission against a licensee for any violation of any provision of this regulation and each day on which any violation occurs shall constitute a separate violation, or shall suspend or revoke such licensee's license.

Promulgated under authority of Section 32-1630(1)(a) of the 1962 Code
(Filed in the office of the Secretary of State July 23, 1965)

Effective August 1, 1965, Regulation No. 2, as amended, is amended to read as follows:

Regulation No. 2

Classification of Milk, Computation of Milk in Each Class and Method of Settlement:

A. Classes of Milk—On or before the fourth day after the end of each delivery period all milk received at each plant from producers during the preceding delivery period shall be classified as Class I unless the distributor receiving such milk can prove that it should be otherwise classified, subject to any administrative relief which may be granted by the Commission resulting from extenuating circumstances and the following conditions:

1. Class I shall include all sales and inventory holdings at the close of business on the last day of the delivery period of processed fluid milk and fluid milk products containing one percent (1%) or more of milk fat (excluding sour cream), and bulk milk sold or transferred to any plant located within the State which has been certified to the Commission to be for use in a federal military contract, except that portion of milk which may be approved by the Commission to be classified in Class II or Class III pursuant to paragraph B, sub-paragraph 3. Fluid cream, milk-cream mixtures and concentrated milk in excess of six percent (6%) butterfat shall be included in Class I on a milk equivalent basis.
2. Class II shall include all sales and inventory holdings at the close of business on the last day of the delivery period of processed fluid milk products containing less than one percent (1%) of milk fat which has not been accounted for in the milk equivalent of Class I cream and milk-cream mixtures, and that portion of any milk designated as Class I utilization which may be approved by the Commission to be transferred to Class II pursuant to paragraph B, sub-paragraph 3.
3. Class III shall include, subject to the provisions of paragraph B, all milk and milk products received and used in the processing or manufacture of any product for human consumption except those products designated as Class I or Class II utilization and any plant loss not in excess of two and one-half percent (2½%) of the total milk and fluid milk products received and reconstituted during the delivery period.
4. The product pounds of all fluid milk and fluid milk products in each Class shall be computed by multiplying the total quarts of such products by the weight factors set forth below:

Product	Weight Per Quart	Product	Weight Per Quart
Milk	2.15	Cream (10-17%)	2.13
Creamed Buttermilk..	2.15	Cream (18-21%)	2.11
Skim (Above 1% B. F.)	2.15	Cream (22-28%)	2.10
Flavored Milk or Drink (Net)	2.00	Cream (29-32%)	2.09
Skim (Plain)	2.16	Cream (33-39%)	2.08
Buttermilk (Plain) ..	2.16	Cream (40-42%)	2.06

B. Basis for Classification—On or before the fourth day after the end of each delivery period, all milk received during the preceding period by

a distributor shall be classified on the basis of the accountable sales and utilization of milk by such distributor and in accordance with the provisions of paragraph A. Raw milk disposed of in bulk and processed milk sold to federal military installations shall be classified subject to the following provisions:

1. Milk disposed of in bulk shall be classified as Class III by the shipping distributor except as provided for in sub-paragraph 2. The shipping distributor shall be paid for such Class III milk by the receiving distributor on the basis of its use by the receiving distributor in Class I, II or III as determined by the monthly audits of the Commission at not less than the price established by the Commission for the class or classes in which such milk is properly classified based on its final utilization by the receiving distributor. The shipping distributor shall return to his producers the price received for any bulk milk sold or transferred to another distributor less reasonable handling and hauling charges, if any are incurred.
 2. Bulk milk sold or transferred by a distributor located within South Carolina to another distributor within the State for sale to the United States Government and for delivery to a federal military installation under a bona fide written contract may be prorated by the shipping distributor between Class I, Class II or Class III pursuant to sub-paragraph 3; provided, that on or before the tenth day after the end of the settlement period involved, certificates are received by the Commission from the shipping distributor certifying that such bulk milk was sold or transferred for use in military contracts, and from the receiving distributor certifying that such bulk milk was used for military contracts.
 3. Processed milk containing one percent (1%) or more of butterfat sold to the United States Government and delivered to federal military installations under a bona fide written contract, and bulk milk sold or transferred by a distributor located in South Carolina to another distributor within the State, certified for use in a contract as referred to above, may be transferred from Class I to Class II or Class III during such delivery periods and in the proportion as may be approved by the Commission. The proportion of the products herein referred to, which may be approved for transfer from Class I to Class II or Class III, is subject to change by the Commission, however, the proration approved on the first day of delivery under any contract shall prevail until the expiration date of such contract.
- C. Computation of Milk in Each Class**—For each delivery period the classification of milk at each plant shall be computed in the following manner:
1. Determine the tentative Class I utilization by:
 - a. Computing the volume of total sales of processed fluid milk and bulk milk certified for use in federal military contracts at the average butterfat test of all milk received at a plant from producers and in bulk from other sources or at the specific test of each product sold when such records are maintained.

- b. Add the volume of all sales of flavored milk or drink, creamed buttermilk and any other fluid milk products containing one percent (1%) or more, but less than six percent (6%), of butterfat at the specific test of such products.
 - c. Add the milk equivalent of all sales of fluid milk products containing six percent (6%) or more of butterfat. (The weighted average test of all bulk milk received from producers and distributors during the delivery period shall be used in converting cream and milk-cream mixtures containing six percent (6%) or more of butterfat to a milk equivalent basis. In the absence of a weighted average butterfat test, distributors shall convert such cream and milk-cream mixtures on the basis of a four percent (4%) milk equivalent.)
 2. Determine the tentative Class II utilization by:
 - a. Computing the difference between the volume of fluid milk products containing butterfat in excess of six percent (6%) from its milk equivalent included in Class I and entering such amount in Class II as a preliminary credit.
 - b. Compute the volume of all sales of fluid milk products containing less than one percent (1%) butterfat not accounted for in the milk equivalent of Class I cream and milk-cream mixtures and apply the butterfat tests applicable to such products.
 3. Determine the tentative Class III utilization by:
 - a. Computing the volume of all milk and milk products not specifically classified in Classes I and II at the applicable tests.
 4. Transfer from Class I to Class II or Class III, at the rate approved by the Commission, that portion of fluid milk containing one percent (1%) or more of butterfat sold to federal military installations and bulk transfers between plants certified to the Commission for use in such contracts.
 5. Add the closing inventories to and subtract the opening inventories from the appropriate classes as determined in the preceding paragraphs.
 6. Determine the amount of plant losses by subtracting the total milk and milk products accounted for in each Class from the total milk and milk products received.
 - a. Add to the Class III utilization the amount of plant loss which is not in excess of two and one-half percent (2½%) of the total milk and milk products received.
 - b. Add to the Class I utilization the amount of plant loss which is in excess of two and one-half percent (2½%) of the total milk and milk products received.
- D. **Classification of Milk Received from Producers**—The net classification of milk received from producers at each plant shall be determined in the order and manner set forth below and the total milk in each class shall be allocated to producers in accordance with the example set forth in Table I of this Regulation.

1. The butterfat and milk equivalent of powered and condensed products which are reconstituted shall be deducted from the gross Class III utilization.
 2. The butterfat and product pounds of any processed milk and milk products received from another distributor shall be deducted from the remaining Class III utilization.
 3. The butterfat and product pounds of bulk milk received from a distributor located within South Carolina, which has been certified to the Commission for use in military contracts, shall be deducted from Class III, Class II and Class I in the proportions approved by the Commission. Any amount in excess of the available Class II shall be deducted from any remaining Class III.
 4. The butterfat and product pounds of bulk milk received, other than that received and certified for use in military contracts, shall be deducted from any remaining Class III utilization.
 5. In the event that any or all of the above items are greater than the amount remaining in Class III, they shall be deducted first from any remaining Class II and finally from Class I.
 6. For the purpose of classification, milk from a distributor's own herd will be considered to be producer milk.
- E. **Minimum Prices**—The minimum class prices and butterfat differential paid to producers by distributors, at the end of each delivery period, for the classes of milk established by Paragraph A of this Regulation shall be as follows:
1. **Class I Milk**—The price of Class I milk containing four percent (4%) butterfat f. o. b. the receiving distributor's plant shall be \$6.60 per hundred weight.
 2. **Class II Milk**—The price of Class II milk containing four percent (4%) butterfat f. o. b. the receiving distributor's plant shall be \$5.00 per hundred weight.
 3. **Class III Milk**—The price of Class III milk containing four percent (4%) butterfat f. o. b. the receiving distributor's plant shall be \$3.00 per hundred weight.
 4. **Butterfat Differentials**—The price paid to each producer for each class of milk shall be increased by a minimum of seven cents (7¢) per hundred weight for each one-tenth of one percent (1%) that the producer's milk is above four percent (4%) butterfat, and shall be decreased not more than seven cents (7¢) per hundred weight for each one-tenth of one percent (1%) that the producer's milk is below four percent (4%) butterfat.
- F. **Hauling Rates**—The maximum hauling rate to be charged to a producer or deducted from a producer's settlement by a distributor for transporting milk from a producer farm to the distributor's plant shall not be in excess of the rates in effect or charged to the producer for milk received during the month of June 1965 without prior approval by the Commission.

G. Payment to Producers—Each licensed milk distributor located within South Carolina shall make full payment to producers on or before the fifteenth (15th) day following the end of each delivery period for all milk received, at not less than the minimum class price(s) established by the Commission and set forth in Paragraph E of this Regulation.

1. Any premium to be paid for special milk sales during any delivery period shall be applied uniformly to all Class I credit allocated to producers of special milk as determined by the following formula:

Divide the total pounds of special milk sold by the total Class I credit allocated to special milk producers. Multiply the result obtained by the premium rate per hundred weight and add the result to the Class I price payable to special milk producers.

2. The Class III price to be paid producers shall be a weighted average blend price of bulk milk sold or transferred and properly allocated into Class III at the net price received for such milk, and any other milk included in Class III at the Class III price as established by the Commission. When the total bulk milk sold or transferred and included in Class III exceeds the net amount allocated to producers in Class III, the weighted average Class III blend price shall be computed from the highest net priced quantity or quantities used or transferred.

3. Each distributor shall, whenever making payment for milk purchased from producers during any delivery period, furnish each producer with a statement of purchases and payment which contains the information as follows:

- a. Name of the distributor
- b. The delivery period covered
- c. Producer's base for the period
- d. Butterfat test of producer's milk
- e. Pounds of milk in each class
- f. Price per hundred weight paid for each class
- g. Gross amount due by class and in total
- h. Each deduction made by distributor
- i. Net amount paid.

4. Whenever an audit by the Commission discloses a distributor has not made full payments to producers during any delivery period in accordance with the Regulations of the Commission, the distributor shall upon written notice from the Commission make the necessary adjustments to correct any underpayment to producers in such manner and within such time as may be specified by the Commission.

Promulgated under authority of Section 32-1630(1)(a) of the 1962 Code and Section 2 of Act No. 1165 of 1966

(Filed in the office of the Secretary of State June 15, 1966)

Effective on June 15, 1966, Regulation No. 2, as amended, is amended by:

Deleting sub-paragraph 1 of paragraph E and inserting in lieu thereof the following:

1. Class I Milk—The price of Class I milk containing four percent (4%) butterfat, f. o. b. the receiving distributor's plant, shall be \$6.50 per hundred weight; and

by adding to paragraph E, sub-paragraph 5, as follows:

5. No distributor shall, in determining the net amount due producers, make any deductions for advertising, promotions, or for any other purposes except authorized hauling charges, association dues and producer assignments without the written consent of the Commission.

Promulgated under authority of Section 32-1635 of the 1962 Code as amended by Act No. 297 of 1965

(Filed in the office of the Secretary of State July 23, 1965)

Effective August 1, 1965, Regulation No. 4, as amended, is amended to read as follows:

Regulation No. 4

Wholesale and Retail Prices

- A. **Minimum Wholesale Prices**—The minimum wholesale unit prices established by the Commission for all markets in South Carolina on all fluid milk and fluid milk products to be effective August 1, 1965 and until amended by the Commission shall be as follows:

Product	Unit	Wholesale Unit Price	
		Regular	Institutional
Pasteurized or Homogenized Milk			
Fortified Milk, Creamed Buttermilk, and Flavored Milk or Drink:			
Multiple Gallon Container	Gallon	\$.96	\$.84
Single and Twin-Pak Container . .	Gallon . . . . .	.98	
Single and Twin-Pak Container . .	½ Gallon . . . . .	.49	
	Quart . . . . .	.25	
	Pint . . . . .	.135	
	10 Oz. . . . .	.0925	
	½ Pint . . . . .	.065	.0625
Plain Buttermilk and Plain or Fortified Skim Milk:			
Multiple Gallon Container	Gallon . . . . .	.80	.68
Single and Twin-Pak Container . .	Gallon . . . . .	.80	
Single and Twin-Pak Container . .	½ Gallon . . . . .	.39	
	Quart . . . . .	.20	
	Pint . . . . .	.11	
	10 Oz. . . . .	.08	
	½ Pint . . . . .	.055	.0525
2% Skim Milk:			
Multiple Gallon Container	Gallon . . . . .	.84	
	½ Gallon . . . . .	.43	
	Quart . . . . .	.22	

Product	Unit	Wholesale Unit Price	Regular Institutional
Heavy Cream:			
Multiple and Single Gallon Containers	Gallon	4.70	
	Quart	1.35	
	Pint .....	.70	
	½ Pint .....	.40	
Medium Cream:			
Multiple and Single Gallon Containers	Gallon	2.50	
	Quart .....	.75	
	Pint .....	.40	
	½ Pint .....	.25	
Half and Half:			
Multiple and Single Gallon Containers	Gallon	1.70	
	Quart .....	.50	
	Pint .....	.27	
	½ Pint .....	.18	
	½ Oz. ....	.016	
Sour Cream:			
Multiple and Single Gallon Containers	Gallon	3.30	
	5 Pounds	2.20	
	½ Gallon	1.65	
	Quart .....	.85	
	Pint .....	.49	
	½ Pint .....	.25	
Cottage Cheese:			
Bulk (over 5 pounds)	Pound .....	.198	
Single Package	5 Pounds	1.10	
Single Package	2 Pounds .....	.45	
Single Package	1 Pound .....	.27	
	12 Oz. ....	.22	
	12 Oz.		
	(Flavored) ..	.24	
Sour Cream Dips	2 Pounds .....	.96	
	8 Oz. ....	.30	
Egg Nog	Quart .....	.70	
Yogurt	8 Oz. ....	.25	

1. The "Regular" wholesale unit prices established by this Regulation for the designated products shall be the minimum prices to be charged and received by a distributor or sub-distributor for such products sold, delivered or consigned to any wholesale consumer as defined by

the Act; except as provided by sub-paragraph 2 of paragraph A of this Regulation.

2. The "Institutional" wholesale unit prices established by this Regulation for the designated products shall be the minimum prices to be charged and received by a distributor or sub-distributor for the specified units of such products sold, delivered or consigned to: (a) private, public, or parochial schools and state or church supported colleges or universities which provide non-profit lunch room facilities for students; (b) eleemosynary institutions or agencies; and (c) non-profit hospitals entirely supported by a church or by the federal, state, county or municipal governments; **provided, however**, such "Institutional" prices established by the Commission shall not be made available to independently operated dairy bars, soda shops, canteens, student centers, etc. or food service facilities operated by any person other than the specific types of customers designated above whether or not the facilities are located on the premises and are under the control of the exempted institutions.
 3. The minimum prices established by the Commission shall not be deemed to apply to products sold to the United States Government and delivered to a federal installation; provided, however, each distributor entering into a contract with the United States Government to supply any product covered by the Act to such installations shall notify the Commission in writing prior to the first day of delivery under such contract of: (a) the name of the installation to be supplied; (b) the approximate quantity of each unit of each product to be supplied; (c) the unit price made available on each unit of each product; and (d) the beginning and terminating dates of the contract.
 4. The minimum wholesale price on any unit of fluid milk or fluid milk product covered by the Act for which a price is not included in this Regulation will be established by the Commission upon application by a distributor. The application must be made to the Commission in writing at least thirty (30) days before the introduction of a unit of fluid milk or fluid milk product for which a minimum price had not been established by the Commission.
- B. Prices to be Filed by Distributors with the Commission—**Pursuant to Section 32-1640.4, 1962 Code, each distributor, as a prerequisite to obtaining a license, shall establish and file with the Commission a schedule of retail unit prices on fluid milk and fluid milk products and a schedule of wholesale and retail unit prices on ice cream and frozen desserts for each market served directly by the distributor; or indirectly through a sub-distributor principally supplied with processed products by such distributor. The required schedules shall be filed on forms prepared and furnished by the Commission and such schedules shall be signed by a responsible official who by virtue of his position and duties can appropriately sign the Affidavit on Form No. SDC-1, and such person shall be designated in the distributor's application for license or application for renewal of license to be held legally responsible for compliance with the conditions of the license to be issued.

1. A copy of the distributor's current schedule of prices on file at any time with the Commission for any market served by a sub-distributor shall be furnished by the distributor to and kept on file in the office of the sub-distributor serving such market.
2. A distributor shall not be required to establish and file prices with the Commission for any product offered for sale except those products covered by the Act (milk, milk products, ice cream and frozen desserts). However, the sale by a distributor of any product which is NOT covered by the Act to ANY wholesale or retail consumer at a price less than the price made available to ALL wholesale and retail customers respectively, or any other discriminatory pricing practice with respect to such products by a licensee, shall be deemed a decrease in the minimum prices fixed by the Commission or the prices filed with the Commission for the products covered by the Act and a violation of the provisions of this Regulation.
3. The prices required to be established and filed with the Commission by a distributor for any market may be changed (including any addition to the distributor's product line of a new product or a new unit of an existing product on which prices are required to be filed) ONLY on the first day of any calendar month; PROVIDED, a **complete** new schedule of prices applicable in such market is sent by certified mail to the Commission, **on forms furnished by the Commission**, and such schedule is received in the Commission office at least ten (10) days (exclusive of Sundays and legal holidays) prior to sale or OFFER to sell at the prices established by the new schedule.
4. The Commission, upon receipt of a new schedule of prices duly filed for any market, shall mail within three (3) days thereof (exclusive of Sundays and legal holidays) a copy of the new schedule to each licensed distributor operating in the market in which the new prices are to be applicable.
5. A distributor, upon receipt from the Commission of a new schedule of prices established by a competitor for any market, may place into effect in such market on the effective date designated on such schedule similar price changes (but not below those which have been duly filed with the Commission by a competitor); PROVIDED, the distributor sends to the Commission by certified mail a complete new schedule of prices to be applicable in the affected market and such schedule is received in the Commission office at least one (1) day (exclusive of Sundays and legal holidays) prior to sale or OFFER to sell at the new prices filed as provided by this paragraph.
6. No distributor shall directly, or indirectly through a sub-distributor, sell or OFFER for sale any product covered by the Act in any market at a price less than the price offered in the market in which such distributor's processing plant is located, or less than the price offered in the principal sales area of such distributor (measured by volume of sales), except when such lower price is offered in good faith to meet a competitive price which has been duly filed with the Commission, and after due notice has been given as provided in sub-

paragraph 3 above. No sub-distributor shall sell or OFFER for sale any product covered by the Act at a price forbidden the distributor by whom such sub-distributor is principally supplied with processed products.

Promulgated under authority of Section 32-1630(1) (a) of the 1962 Code and Section 2 of Act No. 1165 of 1966

(Filed in the office of the Secretary of State June 27, 1966)

Effective from July 1, 1966 through July 31, 1966, Regulation No. 4, as amended, is amended by deleting Paragraph A in its entirety and inserting in lieu thereof the following:

A. **Minimum Wholesale and Retail Prices**—The minimum wholesale and retail unit prices established by the Commission for all markets in South Carolina on all fluid milk and fluid milk products shall be as follows:

Product	Unit	Wholesale		Retail	
		Regular	Institutional	Out-of-Home Store	Home Delivery
Pasteurized or Homogenized Milk, Fortified Milk, Creamed Buttermilk, and Flavored Milk or Drink					
Multiple Gallon Container	..Gallon	\$.96	\$.88		\$1.06
Single and Twin-Pak Con.	..Gallon	.92		\$1.02	1.06
Single and Twin-Pak Con.	..½ Gal.	.46		.51	.53
	Quart	.25		.27	.27
	Pint	.135			
	10 Oz.	.0925			
	½ Pt	.07	.065		
Plain Buttermilk and Plain or Fortified Skim Milk					
Multiple Gallon Container	...Gallon	.80	.68		
Single and Twin-Pak Con.	..Gallon	.78		.86	.90
Single and Twin-Pak Con.	..½ Gal.	.39		.43	.45
	Quart	.20		.22	.23
	Pint	.11			
	10 Oz.	.08			
	½ Pt.	.055	.0525		
2% Skim Milk					
Multiple Gallon Container	...Gallon	.84			
	½ Gal.	.43		.47	.49
	Quart	.22		.24	.25
Heavy Cream					
Multiple and Single					
Gallon Containers	.....Gallon	4.70			
	Quart	1.35		1.50	1.50
	Pint	.70		.80	.80
	½ Pt.	.40		.45	.45

<i>Product</i>	<i>Unit</i>	<i>Regular</i>	<i>Wholesale Institu- tional</i>	<i>Retail Out-of-Home Store</i>	<i>Delivery</i>
Medium Cream					
Multiple and Single					
Gallon Containers	Gallon	2.50			
	Quart	.75		.85	.85
	Pint	.40		.45	.45
	½ Pt.	.25		.27	.27
Half and Half					
Multiple and Single					
Gallon Containers	Gallon	1.70			
	Quart	.50		.60	.60
	Pint	.27		.30	.30
	½ Pt.	.18			
	½ Oz.	.016			
Sour Cream					
Multiple and Single					
Gallon Containers	Gallon	3.30			
	5 Lbs.	2.20			
	½ Gal.	1.65		1.75	1.75
	Quart	.85		.95	.95
	Pint	.49			
	½ Pt.	.25		.30	.30
Cottage Cheese					
Bulk (over 5 pounds)	Pound	.198			
Single package	5 Lbs.	1.20		1.50	1.50
Single package	2 Lbs.	.49		.59	.59
Single package	1 Lb.	.27			
	12 Oz.	.24		.31	.31
	12 Oz.				
	Flavored	.26		.33	.33
Sour Cream Dips	2 Lbs.	.96			
	8 Oz.	.30		.39	.39
Eggnog	Quart	.70		.80	.80
Yogurt	8 Oz.	.25		.30	.30

1. The "Regular" wholesale unit prices established by this Regulation for the designated products shall be the minimum net prices to be charged and received by a distributor or sub-distributor for such products sold, delivered or consigned to any wholesale consumer as defined by the Act; except as provided by sub-paragraph 2 of Paragraph A of this Regulation.
2. The "Institutional" wholesale unit prices established by this Regulation for the designated products shall be the minimum net prices to be charged and received by a distributor or sub-distributor for the specified units of such products sold, delivered or consigned to: (a)

private, public, or parochial schools and state or church supported colleges or universities which provide non-profit lunch room facilities for students; (b) eleemosynary institutions or agencies; and (c) non-profit hospitals entirely supported by a church or by the federal state, county or municipal governments; **provided however**, such "Institutional" prices established by the Commission shall not be made available to independently operated dairy bars, soda shops, canteens, student centers, etc., or food service facilities operated by any person other than the specific types of customers designated above whether or not the facilities are located on the premises and are under the control of the exempted institutions.

3. The minimum wholesale prices established by this Regulation shall be applicable to all units of all products sold to vending companies for resale through coin operated vending machines, except for homogenized milk and flavored milk or drink sold in 10-Oz. and $\frac{1}{2}$ Pt. units for which the minimum net wholesale unit prices are hereby established at $8\frac{1}{2}\phi$ for 10-Oz. units and $6\frac{1}{2}\phi$ for $\frac{1}{2}$ Pt. units of such products.
4. The minimum prices established by the Commission shall not be deemed to apply to products sold to the United States Government and delivered to a federal installation; provided however, each distributor entering into a contract with the United States Government to supply any product covered by the Act to such installations shall notify the Commission in writing prior to the first day of delivery under such contract of: (a) the name of the installation to be supplied; (b) the approximate quantity of each unit of each product to be supplied; (c) the unit price made available on each unit of each product; and (d) the beginning and terminating dates of the contract.
5. The minimum wholesale price on any unit of fluid milk or fluid milk product covered by the Act for which a price is not included in this Regulation will be established by the Commission upon application by a distributor. The application must be made to the Commission in writing at least thirty (30) days before the introduction of a unit of fluid milk or fluid milk product for which a minimum price has not been established by the Commission.

(Filed in the office of the Secretary of State July 26, 1966)

The effective date of the above amendment to Regulation No. 4 is extended through August 31, 1966.

STATE BOARD OF EDUCATION

Promulgated under authority of Section 21-45 of the 1962 Code
(Filed in the office of the Secretary of State August 2, 1965)

Standards For Accredited Elementary Schools
Standards For Accredited High Schools

The above two standards were adopted March 12, 1965 and supersede any others in conflict with them.

State Plan For Adult Basic Education**Title II, Part B, Economic Opportunity Act of 1964**

State Plan for Making Available School Library Resources, Text-books, and Other Instructional Materials, under Sections 201-207 of Title II and Sections 601-605 of Title VI, P. L. 89-10,

(Filed in the office of the Secretary of State January 7, 1966)

The above two plans were adopted November 18, 1965.

Those interested in any of the above four regulations should refer to the copy which is filed in the office of the Secretary of State.

Public Law 85-864

(Filed in the Office of the Secretary of State January 7, 1966)

The following amendment was approved December 17, 1965.

In accordance with the authorization in Section 467 of the Higher Education Act of 1965, the South Carolina State Plan for strengthening instruction in the public elementary and secondary schools is amended to apply to economics in addition to the other critical subjects under Title III of the National Defense Education Act of 1958.

1. All listings of critical subjects and references to the critical subjects are to be read as including economics.
2. Subparagraph 3.12 is amended by the addition of the following:
Supervisory services in the subject of economics during the school year 1964-65 were limited to the extent that such services could be given by the general supervisors and one additional supervisor of social studies. The general supervisors made no attempt to render the type of service that would be expected of a specialist whose main interests would be directed in the field of economics. Although the services rendered the local schools in the area of economics by these supervisors were quite valuable, its effectiveness was limited because of insufficient time and lack of specialized training by general supervisors in this area. Supervisory services at the local level are equally as critical. Such services are limited to the general supervisory activities of the school principals and curriculum coordinators. Few schools, if any, have personnel qualified to render effective supervisory leadership in this area.
3. Subparagraph 3.2 is amended by the addition of the following:
The objectives of the State's Title III program to improve instruction in economics are generally the same as the thirteen statements listed with

reference to the other critical subjects included in the present State plan as approved by the State Board of Education on March 12, 1965, except that these objectives are amended so as to include the subject of economics in all instances to which reference is made to science, mathematics, modern foreign languages and other critical subjects.

The State will endeavor to improve the effectiveness of its supervisory and related services to the local districts and to promote programs designed to improve the quality of economics instruction within the schools of the State.

4. Subparagraph 3.32 is amended by the addition of the following:

The State supervisory services for the critical subjects as outlined in this section shall be extended to include the subject of economics.

The present staff consists of a supervisor and an assistant supervisor of history, civics, and geography who devote full time to the Title III program. These two supervisors will increase the scope of their services to include economics.

As the program expands and the budget permits, other supervisory personnel will be employed and/or assigned the specific field of economics both for elementary and secondary schools.

5. Subparagraph 3.4 is amended by the addition of the following:

The State's program of related services, including the audio-visual services and library services, will be expanded to include economics in addition to the other critical subjects. The present staff includes a supervisor of audio-visual aids, an assistant supervisor of audio-visual aids, and an assistant supervisor of library services devoting full time to the Title III program. A fourth person, the supervisor of library services, devotes part time to the Title III program. As the program expands, and the budget permits, other personnel may be added if needed.

Driver Education

(Filed in the office of the Secretary of State January 7, 1966)

Approved October 15, 1965

In order for a school district to qualify for reimbursement of funds under the Highway Safety Act, (Act No. 362 of 1965) the school district must operate an approved driver education program which will meet the following rules and regulations:

1. The course shall be organized on a semester or yearly basis and shall include as a minimum 30 classroom hours of instruction in driver education, 6 hours of actual behind-the-wheel driving, and 6 hours of actual observation.
2. All classes shall be scheduled and reported on the South Carolina High School Accreditation Application blank or the South Carolina Summer School Accreditation blank. Any exception to the above must be approved in advance by the State High School Supervisor.
3. Classroom instruction shall include subject matter relating to:
 - a. Mental attitudes and physical characteristics as related to driving

- b. Effects of the motor vehicle in modern life
 - c. Laws and regulations affecting use of motor vehicles
 - d. Characteristics of streets and highways
 - e. Understanding the automobile and its maintenance
 - f. The driver as a consumer of highway transportation
 - g. The driver as a pedestrian
 - h. Developing driving skills
 - i. Developing a knowledge of laws relating to the operation of motor vehicles
 - j. Proper acceptance of personal responsibility in traffic
 - k. A true appreciation of the causes, seriousness and consequence of traffic accidents
 - l. Developing the knowledge, attitudes, habits and skills necessary for the safe operation of motor vehicles.
4. Behind-the-wheel driving refers to actual experiences in road instruction with the student as the **driver** with the teacher present. Here the student gains understanding of the vehicle; experience in checking and evaluating; practice in starting, stopping and controlling the vehicle; driving at various speeds and under typical conditions; learning the techniques of operating safely and efficiently.
- Behind-the-wheel instruction shall include the following:
- a. Actual experience in driving a properly marked automobile. It is required that a dual-controlled automobile be used.
 - b. A minimum of 6 hours of behind-the-wheel practice driving with a certified driving instructor.
 - c. Knowledge of the locations and functions of the following:
 - 1. brake pedal
 - 2. clutch (if standard shift)
 - 3. **ignition switch**
 - 4. starter switch
 - 5. gear selector (if automatic transmission)
 - 6. gear shift and positions of low, second, high, reverse and neutral (if regular shift transmission)
 - 7. steering wheel
 - 8. turn signal lever and directional light indicators
 - 9. light switch (park, headlights-bright and dim switch and indicator instrument panel lights)
 - 10. speedometer
 - 11. odometer
 - 12. oil pressure gauge or indicator
 - 13. temperature indicator
 - 14. mirrors (inside and outside)
 - 15. sun visors
 - 16. horn ring or button
 - 17. choke (automatic or manual)
 - 18. accelerator
 - 19. parking brake

- 20. ammeter (or light indicator for charge or discharge)
 - 21. seat adjustment
 - 22. seat belts
 - 23. windshield wiper switch (and washer if provided)
 - d. Practice in starting, stopping, backing and turning the car in off-the-street area
 - e. Driving in rural area
 - f. Driving in city traffic
 - g. Expressway driving (if near enough to expressway to be practical) with particular emphasis on entering and leaving expressway
 - h. Practice in making left turns, right turns, changing lanes, passing, turning around in limited area
 - i. Parking—parallel, angle, on upgrade, on downgrade
 - j. Practice in entering traffic from parking position—parallel and angle
 - k. Stopping and starting on incline
5. The basic textbook shall be selected from the list of state adopted textbooks for driver education. (See "Completed List of Adopted Textbooks for S. C. Public Schools")
6. The establishment of driver education and training courses by local school districts shall be optional with each district, but no district shall be eligible to receive payments from the State Board of Education under the provisions of this act unless the driver education and training program of the school district shall have been certified as an approved driver education and training program to the State Board of Education by the State High School Supervisor.
7. Schools offering driver education and training courses desirous of being reimbursed under the terms of the Highway Safety Act (R-521, Act No. 362 of 1965) shall make a report to the High School Supervisor at the time of filing the regular State High School Accreditation Application, and shall furnish the Department of Education with any other information necessary for the State Board of Education to approve the school's program. The High School Supervisor is to report regularly to the State Board of Education his recommendations of the schools meeting the requirements of the regulations of the Act.
8. Driver education must be offered at a grade level which complies with Section 8 of the Act. It is recommended that the course be offered at the grade level where most of the students have or are approaching legal driving age which is the ninth grade. However, the course may be offered in any grade 9-12. The course shall be limited to students whose physical and mental condition gives reasonable promise of being able to pass the requirements of the State Highway Department for a driver's license.
9. The teacher must (a) hold a valid South Carolina teacher's certificate, (b) be certified to teach driver education, (c) have completed successfully a basic driver and traffic education instructor's course, (d) have a good personal driving record, and (e) hold a valid South Carolina driver's license.

10. All school districts operating driver education programs must have liability insurance as required by State Law (see S. C. Driver's Handbook, page 68). The Board recommends that medical expense insurance be obtained for drivers and passengers in an amount to be determined by the school district or county.

Schools meeting the above requirements shall receive upon application an amount equal to the actual cost, but in no case to exceed \$15 per pupil, for each pupil successfully completing the course in driver education; provided that if the amount budgeted during the fiscal year shall be less than the sum necessary to meet the maximum of \$15 per pupil, funds shall be prorated on the basis of the total number of students successfully completing the approved driver education course in the state. Application for reimbursement must be made during the fiscal year in which the course is completed.

(To be filed when requested by the State Department of Education)

APPLICATION FOR REIMBURSEMENT FOR DRIVER EDUCATION

Year_____

Name and Address of School_____

County _____ District _____

Date of Report _____ School Year _____ Semesters Covered _____

Number of Students Enrolled _____

Number of Students Successfully Completing Course _____

Number of Hours of Classroom Instruction Received by
Each Student _____

Number of Hours Behind-the-Wheel Instruction Received
by Each Student _____

Number of Hours of Actual Observation by Each Student _____

Total Expenditure for Driver Education \$ _____

Average Expenditure of Money Per Student Completing
Course \$ _____

Total Amount of Expected Reimbursement \$ _____

STATE FIRE MARSHAL

Promulgated under authority of Sections 37-82.1 and 37-82.7
of the 1962 Code

(Filed in the office of the Secretary of State December 30, 1965)

Regulation: RF 3-65

Building Exits Code for Life Safety from Fire, published by the National Fire Protection Association—NFPA No. 101-1963 (hereinafter referred to as the Code)

I. Applicability of Code—Nursing Homes

The provisions of the Code shall not apply to a nursing home, the plans for which had been approved by the South Carolina State Board of

Health on November 23, 1965, or the construction of which had been commenced on November 23, 1965, provided (a) such home complies with all regulations of the South Carolina State Board of Health, (b) an automatic fire detection system is installed in such home in accordance with the provisions of Sections 23 and 45 of the Code, and (c) an automatic sprinkler system is installed in such home by December 31, 1967, in accordance with the provisions of Sections 23 and 46 of the Code.

STATE BOARD OF HEALTH

Promulgated under authority of Section 32-8 of the 1962 Code

Regulations Governing Mobile Home Parks

(Filed in the office of the Secretary of State February 24, 1966)

SECTION 1: DEFINITIONS

For the purposes of these regulations, the following words and phrases shall have the meaning ascribed to them in this section;

Health Authority means authorized representative of the city, county or state health departments.

Permit means a written permit issued by the health authority permitting the mobile home park to operate under these regulations.

Mobile Home Park means any plot of ground upon which two or more mobile homes, occupied for dwelling or sleeping purposes, are located.

Mobile Home means a transportable dwelling unit suitable for year-round occupancy and containing the same water supply, waste disposal and/or electrical conveniences as immobile housing. This shall include both dependent and independent mobile homes.

Dependent Mobile Home means a mobile home which does not have a flush toilet and a bath or shower.

Independent Mobile Home means a mobile home which has a flush toilet and a bath or shower.

Mobile Home Space means a plot of ground within a mobile home park, designated for the accommodation of one mobile home.

Person means any individual, firm, partnership, corporation, company, or association or other entity.

Service Building means a building housing toilet and bathing facilities for men and women with such other facilities as may be required by these regulations.

Sewer Connection means all pipes, fittings and appurtenances from the drain outlet of the mobile home to the inlet of the corresponding sewer riser pipe.

Sewer Riser Pipe means that portion of the sewer lateral which extends vertically to or above the ground elevation and terminates at each mobile home space.

Water Connection means all pipes, fittings and appurtenances from the water riser pipe to the water inlet pipe of the distribution system within the mobile home.

Water Riser Pipe means that portion of the water service pipe which extends vertically to or above the ground elevation and terminates at a designated point at each mobile home lot.

Water Service Pipe means all pipes, fittings, valves and appurtenances from the water main of the park supply system to the water outlet of the distribution system within the mobile home.

SECTION 2: PERMITS

2.1 It shall be unlawful for any person to construct, maintain, or operate any mobile home park within the State of South Carolina unless he holds a valid permit issued annually by the health authority in the name of such person for the specific mobile home park. All applications for permits shall be made, prior to any construction of the park, to the applicable city or county health department which shall approve the application when all requirements are met. The county health department, or city health department, shall obtain approval of the Division of Sanitary Engineering for the water and sewerage systems as provided in Section 7.5 of these regulations. No permit shall be transferrable from one location to another location, or from one person to another person. Every person holding such a permit shall give notice in writing to the health authority within twenty-four hours after having sold, transferred, given away, or otherwise disposed of, interest in or control of any mobile home park. Such notice shall include the name and address of the person succeeding to the ownership or control of such mobile home park.

2.2 (a) Application for original permits shall be in triplicate on forms provided by the health authority, signed by the applicant, and shall contain the following:

1. The name and address of the applicant;
2. The interest of the applicant in, and the location and legal description of the mobile home park;
3. A complete plan of the mobile home park, showing compliance with all applicable provisions of these regulations;
4. Such further information as may be requested by the health authority to enable him to determine that the proposed mobile home park will comply with legal requirements.

(b) Applications for renewals of permits shall be made as above by the holder of the permit and shall contain the following:

1. Any change in the information submitted since the time the original permit was issued or the latest renewal granted;
2. Such other information as the health authority may require.

2.3 A complete plan, for the purpose of obtaining a permit to be issued by the health authority shall show:

- (a) The area and dimensions of the tract of land;
- (b) The number, location and size of all mobile home spaces;
- (c) The location and width of roadways;
- (d) The location of service buildings and any other proposed structures;

- (e) The location, size, slope and any other applicable data on water and sewer lines;
- (f) A statement that the water system shall be disinfected in accordance with Section 6.12 below;
- (g) Plans and specifications of all buildings and other improvements constructed or to be constructed within the mobile home park, including water, sewer and electrical connections.

2.4 Any person whose application for a permit under these regulations has been denied may request and shall be granted a hearing on the matter before the health authority under the procedure provided by Section 4 of these regulations.

2.5 Whenever, upon inspection of any mobile home park, the health authority finds that conditions or practices exist which are in violation of any provision of these regulations, the health authority shall give notice in writing in accordance with Section 4.1 to the owner or agent that unless such conditions or practices are corrected within a reasonable period of time specified in the notice by the health authority, the permit will be suspended. At the end of such period, the health authority shall reinspect such mobile home park and, if such conditions or practices have not been corrected, he shall suspend the permit and give notice in writing of such suspension to the owner or agent. Upon receipt of notice of suspension, such person shall cease operation of such mobile home park.

2.6 Any person whose permit has been suspended, or who has received notice from the health authority that his permit will be suspended unless certain conditions or practices at the mobile home park are corrected, may request and shall be granted a hearing on the matter before the health authority, under the procedure provided by Section 4 of these regulations. **Provided,** That when no petition for such hearing shall have been filed within ten days following the day on which notice of suspension was served, such permit shall be deemed to have been automatically revoked at the expiration of such ten-day period.

SECTION 3: INSPECTION OF MOBILE HOME PARKS

3.1 The health authority is hereby authorized to make inspections to determine the condition of mobile home parks located within South Carolina, in order that he may perform his duty of safeguarding the health and safety of occupants of mobile home parks and of the general public.

3.2 The health authority shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of these regulations.

3.3 The health authority shall have the power to inspect the register containing a record of all mobile homes and occupants using the mobile home park.

3.4 It shall be the duty of the owners or occupants of mobile home parks, and mobile homes contained therein, or of the person in charge thereof,

to give the health authority free access to such premises at reasonable times for the purpose of inspection.

3.5 It shall be the duty of every occupant of a mobile home park to give the owner thereof or his agent or employee access to any part of such mobile home park or its premises at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with these regulations, or with any lawful order issued pursuant to the provision of these regulations.

SECTION 4: NOTICES, HEARINGS AND ORDERS

4.1 Whenever the health authority determines that there are reasonable grounds to believe that there has been a violation of any provision of these regulations, he shall give notice of such alleged violation to the owner or agent of the park, as hereinafter provided:

Such notice shall:

- (a) Be in writing;
- (b) Include a statement of the reasons for its issuance;
- (c) Allow a reasonable time for the performance of any act it requires;
- (d) Be served upon the owner or his agent as the case may require;

Provided: That such notice or order shall be deemed to have been properly served upon such owner or agent when a copy of the inspection report form or other notice has been delivered personally to the permit holder or person in charge, or such notice has been sent by registered mail to his last known address; or when he has been served with such notice by any other method authorized or required by the laws of this State;

- (e) Contain an outline of remedial action, which, if taken, will effect compliance with the provisions of these regulations.

4.2 Any person affected by any notice which has been issued in connection with the enforcement of any provision of these regulations, may request and shall be granted a hearing on the matter before the health authority, **Provided**, That such person shall file in the office of the health authority a written petition requesting such hearing and setting forth a brief statement of the grounds therefor. Upon receipt of such petition, the health authority shall set a time and place for such hearing, and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given an opportunity to be heard, and to show why such notice should be modified or withdrawn. The hearing shall be commenced not later than ten days after the day on which the petition was filed: **Provided:** That upon application of the petitioner, the health authority may postpone the date of the hearing for a reasonable time beyond such ten-day period when in his judgment the petitioner has submitted good and sufficient reasons for such postponement.

4.3 After such hearing, the health authority shall make findings as to compliance with the provisions of these regulations and shall issue an order in writing sustaining, modifying or withdrawing the notice which

shall be served as provided in Section 4.1, (d). Upon a failure to comply with any order sustaining or modifying a notice, the permit of the mobile home park affected by the order shall be revoked. Revoked permits may not be reissued but a new permit may be issued, if all requirements of these regulations are met.

4.4 The proceedings at such a hearing, including the findings and decision of the health authority, and together with a copy of every notice and order related thereto shall be entered as a matter of public record in the office of the health authority.

4.5 Whenever the health authority finds that an emergency exists which requires immediate action to protect the public health, he may, without notice or hearing, issue an order citing the existence of such an emergency and requiring that such action be taken as he may deem necessary to meet the emergency including the suspension of the permit. Notwithstanding any other provisions of these regulations, such order shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately, but upon petition to the health authority, shall be afforded a hearing as provided in Section 4.2. The provisions of Section 4.3 and 4.4 shall be applicable to such hearing and the order issued thereafter.

4.6 When a permit to operate a mobile home park has been revoked, the health authority shall notify all occupants of the revocation, and give notice that they must remove from the park within ten (10) days.

SECTION 5. LOCATION, SPACE, AND GENERAL LAYOUT

5.1 The mobile home park shall be located on a well-drained site, and shall be so located that its drainage will not endanger any water supply. All such mobile home parks shall be free from marshes, swamps, or other potential breeding places for insects or rodents.

5.2 The area of the mobile home park shall be large enough to accommodate:

- (a) The designated number of mobile home spaces;
- (b) Necessary streets and roadways.

5.3 Each independent mobile home space shall contain a minimum of 3,000 square feet, and shall be at least forty (40) feet wide. Such spaces shall be defined. Mobile homes shall be parked in such spaces so that there will be a minimum of fifteen (15) feet between a mobile home and another mobile home or building, and so that no mobile home will be less than ten (10) feet from the exterior boundary of the mobile home park.

Independent mobile home spaces in existence on the effective date of these regulations may continue to operate under their existing permit.

5.4 It shall be unlawful to allow:

- (a) Any mobile home to be occupied in a mobile home park unless the mobile home is situated on a mobile home space, or
- (b) An independent mobile home to be located on a dependent mobile home space.

5.5 Access roads shall be provided to each mobile home space.

SECTION 6. WATER SUPPLY

6.1 An adequate (according to current engineering practices) safe, and potable supply of water shall be provided in each mobile home park, easily accessible for maintenance, if a private supply. The development of a community water supply to serve the mobile home park shall be made only after written approval has been granted by the health authority. Any community supply is to be considered a public supply and must meet the requirements thereof. Where a public supply of water of such quality is available, connection shall be made thereto and its supply shall be used exclusively. The ownership of water lines within the park must be made a matter of record to the health authority.

6.2 The water system of the mobile home park shall be connected by pipes to all buildings and all mobile home spaces by an approved method.

6.3 All water piping shall be constructed and maintained in accordance with state and local law; the water piping system shall not be connected with non-potable or questionable water supplies and shall be protected against the hazards of backflow or back-siphonage. All plastic pipe must bear the nSf Seal of Approval.

6.4 Where drinking fountains are provided for public use, they shall be of a type and in locations approved by the health authority.

6.5 Individual water-service connections which are provided for direct use by mobile homes shall be so constructed that they will not be damaged by the parking of such mobile homes. The mobile home park water system shall be adequate to provide a minimum of 20 pounds per square inch of pressure at all mobile home connections.

6.6 Where an independent or non-public water system is used to serve the mobile home park with water obtained from wells, the wells shall have been approved by the health authority, and shall have been drilled or driven. A well log is to be submitted with other data. Springs or other sources of supply shall not be used unless approved by the health authority.

6.7 Every well shall be located and constructed in such a manner that neither underground nor surface contamination will reach the water supply from any source. All drainage shall be away from the well. A minimum distance of fifty (50) feet shall be maintained between the water supply and any part of a septic tank system or privy. Sewers or pipes through which sewage may back up shall be located at least fifty (50) feet from any well or water-suction pipeline. Where such sewers or pipes are specially constructed to provide adequate safeguards, and when specifically authorized by the health authority, such sewers or pipes through which sewage may back up may be closer than fifty (50) feet, but not less than thirty (30) feet from a well.

6.8 No well-casings, pumps, pumping machinery, or suction pipes shall be located in any pit, room or space extending below ground level, nor in any room or space above ground which is walled in or otherwise enclosed, unless such rooms, whether above or below ground, have free drainage by gravity to the surface of the ground. The floor of rooms above ground

shall be at least six inches above the ground's surface. All floors shall be water-tight, and sloped from the pump pedestal to the drain.

6.9 All water storage reservoirs shall be water-tight, and constructed of impervious material; all overflows and vents of such reservoirs shall be effectively screened. Open reservoirs are prohibited. Manholes shall be constructed with overlapping covers, so as to prevent the entrance of contaminated material. Overflow pipes from a reservoir shall not be cross-connected to any drain pipe in which sewage or polluted water may back up.

6.10 Underground stop-and waste-cocks shall not be installed on any connection.

6.11 Individual service connections shall be so constructed as to protect the line from infiltration by ground water.

6.12 All water systems shall be disinfected and analyzed in accordance with South Carolina State Board of Health requirements before use for domestic purposes.

SECTION 7: SEWAGE DISPOSAL

7.1 All plumbing in the mobile home park shall comply with state and local plumbing laws and regulations. The ownership of sewage collection and/or treatment systems shall be made a matter of record to the health authority.

7.2 Each independent mobile home space shall be provided with at least a 4-inch sewer connection. The sewer connection shall be provided with suitable fittings, so that a watertight and gas-tight connection can be made between the mobile home drain and the sewer connection. Such individual mobile home connections shall be self-draining and shall be so constructed that they can be closed when not linked to a mobile home and be capped so as to prevent any escape of odors. The cap shall be fastened to the area of the opening by a keeper chain.

7.3 Sewer lines shall be constructed in accordance with plans formally approved by the health authority and in accordance with the recommendations of such health authority. All sewer lines shall be properly vented, and shall be laid with sufficient earth cover to prevent breakage from traffic.

7.4 Where the sewer lines of the mobile home park are not connected to a public sewer, a method of sewage disposal approved by the health authority shall be provided. The design of such sewage treatment facilities shall be based on the maximum population of the mobile home park. Effluents from sewage treatment facilities shall not be discharged into any waters of the State except with prior approval of the South Carolina Pollution Control Authority and the local health authority. The disposal facilities shall be located where they will not create a nuisance or health hazard to the mobile home park or to the owner or occupants of any adjacent property, or existing downstream user. The approval of the health authority shall be obtained on the type of treatment proposed and on the design of the disposal plant prior to any construction at site.

7.5 In all instances where the composite sewage flow exceeds 2,000 gallons per day, or where a total of ten (10) or more mobile homes are to use the sewage facility, and where public sewers are not available for connection thereto, plans and specifications for water and sewage systems shall be prepared by an engineer registered to practice in South Carolina, and submitted to the Division of Sanitary Engineering for review and approval.

SECTION 8: REFUSE DISPOSAL

8.1 The storage, collection, and disposal of refuse in the mobile home park shall be so managed as to create no health hazards, rodent harborage, insect-breeding areas, accident or fire hazards or air pollution.

8.2 All refuse shall be stored in flytight, watertight, rodent-proof containers, which shall be located not more than 150 feet from any mobile home space. Containers shall be provided in sufficient number and capacity to properly store all refuse.

8.3 Racks or holders shall be provided for all refuse containers. Such container racks or holders shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration, and to facilitate cleaning around them.

8.4 All refuse shall be collected at least twice weekly. Where suitable collection service is not available from municipal or private agencies, the mobile home park operator shall provide this service. All refuse shall be collected and transported in covered vehicles or covered containers.

8.5 Where municipal or private disposal service is not available, the mobile home park operator shall dispose of the refuse by incineration, burial, or transporting to an approved disposal site.

8.6 Refuse shall be buried only at locations and by methods approved by the health authority.

8.7 Refuse incinerators shall be constructed only with the approval of the local health authority. Such approval shall be based on a review of the plans and specifications for such incinerators and approval of the site where they will be located. Such approval shall specify the type of material which may be placed in the incinerator.

8.8 Incinerators shall be operated only when attended by some person specifically authorized by the owner or operator of the mobile home park.

8.9 Garbage shall be burned on the premises only in an approved incinerator.

SECTION 9: INSECT AND RODENT CONTROL

9.1 Insect and rodent control measures to safeguard public health as required by the health authority shall be applied in the mobile home park.

9.2 The health authority may require the mobile home park operator to take suitable measures to control other insects and obnoxious weeds.

9.3 Accumulations of debris which may provide harborage for rodents shall not be permitted in the mobile home park.

9.4 When rats or other objectionable rodents are known to be in the mobile home park, the park operator shall take definite action, as directed by the health authority to exterminate them.

SECTION 10: ELECTRICITY

10.1 An electrical outlet supplying at least 115 volts shall be provided for each mobile home space. The installation shall comply with all applicable state and local electrical codes and ordinances. Such electrical outlets shall be grounded and weatherproof. No main power supply line shall be permitted to lie on the ground, or to be suspended less than 18 feet above the ground. This shall not preclude underground lines.

SECTION 11: FUEL

11.1 All piping from outside fuel storage tanks or cylinders to mobile homes shall be copper or other acceptable metallic tubing and shall be permanently installed and securely fastened in place. All fuel storage tanks or cylinders shall be securely fastened in place and shall not be located inside or beneath the mobile home or not less than ten (10) feet from any mobile home exit.

SECTION 12: FIRE PROTECTION

12.1 The mobile home park area shall be subject to the rules and regulations of the state and local fire prevention authority.

12.2 Mobile home park areas shall be kept free of litter, rubbish and other flammable materials.

SECTION 13: ALTERATIONS AND ADDITIONS—RESTRICTIONS OF ANIMALS AND PETS

13.1 All plumbing and electrical alterations or repairs in the mobile home park shall be made in accordance with applicable local regulations.

13.2 Skirting of mobile homes is permissible but areas enclosed by such skirting shall be maintained so as not to provide a harborage for rodents, or create a fire hazard.

13.3 No permanent additions shall be built onto or become a part of any mobile home unless they are in accordance with requirements established by the health authority, including the provisions of Section 5.3.

13.4 Pet animals must be inoculated against rabies in accordance with State Board of Health Rules and Regulations.

SECTION 14: REGISTRATION OF OCCUPANTS

14.1 Every mobile home park owner or operator shall maintain a register containing a record of all mobile homes and occupants using the mobile home park. Such register shall be available to any authorized person inspecting the park, and shall be preserved for the period required by the health authority. Such register shall contain, (1) the names and addresses of all mobile home occupants stopping in the park, (2) the make, model, and license number of the motor vehicle and mobile home, (3) the State, territory, or county issuing the mobile home license, (4) the

dates of arrival and departure of each mobile home, and (5) whether or not each mobile home is a dependent or independent mobile home.

SECTION 15: SUPERVISION

15.1 The person to whom a permit for a mobile home park is issued shall at all times operate the park in compliance with these regulations and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition at all times.

SECTION 16: DEPENDENT MOBILE HOMES

16.1 Any mobile home park which caters exclusively to dependent mobile homes or which provides spaces for dependent mobile homes shall conform to this section of these regulations. All requirements of Sections One through Fifteen of these regulations shall be met fully, except as provided below.

16.2 Reference Section 5.3, each dependent mobile home space shall contain not less than 1,000 square feet and shall be at least 25 feet wide.

16.3 Reference Section 6.2, this Section shall not apply to dependent mobile home parks.

16.4 Reference Section 7.2, this Section shall not apply to dependent mobile homes.

16.5 (a) Every mobile home park that accommodates dependent mobile homes shall provide not less than the following facilities:

1. For not more than ten (10) dependent mobile homes: two water closets, one lavatory and one shower or bath tub for females; one water closet, one urinal, one lavatory and one shower or bath tub for males;
2. For more than ten (10) dependent mobile homes, the following additional fixtures shall be provided: One lavatory and one shower or bath tub for each sex for every additional ten (10) dependent mobile homes or fraction thereof; one water closet for females for every additional ten (10) dependent mobile homes or fraction thereof; one water closet for males for every additional fifteen (15) dependent mobile homes or fraction thereof; provided that urinals may be substituted for not more than one-third of the additional water closets required under this paragraph.

(b) Dependent mobile home spaces shall be not more than 200 feet from a service building.

16.6 Service buildings shall:

- (a) Be located fifteen (15) feet or more from any mobile home space and where dependent mobile homes are accommodated not more than 200 feet from a dependent mobile home space;
- (b) Be of permanent construction, and be adequately lighted;
- (c) Be of moisture-resistant material, to permit frequent washing and cleaning;

- (d) Have adequate heating facilities to maintain a temperature of 70° F. during cold weather, and to supply adequate hot water during time of peak demands;
- (e) Have all rooms well ventilated, with all openings effectively screened;
- (f) Provide separate compartments for each bath tub or shower and water closet, and a sound resistant wall to separate male and female toilet facilities.

SECTION 17: ENFORCEMENT INTERPRETATION

17.1 These rules and regulations are issued under the Authority of Section 32-8 Code of Laws, 1962, and subsequent legislation. They shall be enforced by the health authority, in accordance with interpretations and public health reasons approved by the State Board of Health.

SECTION 18: PENALTIES

18.1 Violation of these rules and regulations shall be punishable in accordance with Section 32-17, Code of Laws of South Carolina, 1962, and each day of continued violation shall be a separate offense.

SECTION 19: REPEAL AND DATE OF EFFECT

19.1 These regulations shall be in full force and effect on adoption and at that time all regulations and parts of regulations in conflict with these regulations are hereby repealed.

SECTION 20: UNCONSTITUTIONALITY CLAUSE

20.1 Should any section, paragraph, sentence, clause, or phrase of these regulations be declared unconstitutional or invalid for any reason, the remainder of said regulation shall not be affected thereby.

Public Swimming Pools

(Filed in the office of the Secretary of State March 31, 1966)

Amendment to Rules and Regulations Relating to Public Swimming Pools, September 1, 1962.

On title page, date has been changed to "March 1, 1966".

On page following Table of Contents, date filed Secretary of State's Office has been changed to "March 1, 1966".

Under **Definitions**, Paragraph 3 has been amended to read:

3. Natural Bathing Places: Includes all streams, rivers, lakes, and tidal waters used for swimming or recreational bathing. Any impoundment supplied by natural flowing artesian water where no pumping whatsoever is required would also fall into this category.

Under **Section A—Design and Construction**, second paragraph under **Submission of Plans** has been amended to read:

Natural bathing places are under the jurisdiction of the County or City Health Department and do not require submission of plans to the Division of Sanitary Engineering of the State Board of Health. However, owners of artesian-fed impoundments will have to prove to their local Health Department a "turnover" factor of 500 gallons per person

per day. The Health Department will then post and enforce the maximum swimmers that can utilize the impoundment.

Under **Section A—Design and Construction**, Paragraph (a) under **Shape and Slope** has been amended to read:

(a) The pool shall be designed and constructed of such contour, shape, etc., that efficient and safe control of the bathers can be accomplished. The transition point or break point between the shallow and deep ends shall be at a depth of not less than four feet, six inches (4' 6"). The pool floor shall have a uniform slope from shallow end to transition point and shall not exceed one foot (1') vertical to ten feet (10') horizontal. The depth in the shallow portion shall begin at three feet (3') at the furthestmost end and slope uniformly toward the transition point. This minimum depth may be increased to 3.5 feet in Olympic type pools.

Under **Section A—Design and Construction**, Paragraphs (4) and (5) under **Overflow Facilities** have been amended to read:

(4) The skimmer shall be provided with an equalizer pipe to prevent airlock in the suction line. This pipe shall provide an adequate amount of makeup water for pump suction should the water of the pool drop below weir level. It shall be at least two inches (2") in diameter and be located at least one foot (1') below the lowest overflow level of the skimmer. It shall be provided with a valve or equivalent device that will remain tightly closed during normal operating conditions but will automatically open when the water level drops as much as two inches (2") below lowest weir level.

(5) The overflow weir shall operate at all flow variations expected and be of such buoyancy and design as to develop an effective velocity over the weir lip.

Under **Section A—Design and Construction**, third paragraph under **Pools Inlets and Outlets**, has been amended to read:

In pools with surface area greater than 1,500 square feet or length in excess of 60 feet, inlets shall be placed around the entire perimeter on 15-foot intervals. In any case, an adequate number of inlets shall be provided, properly spaced and located to accomplish complete recirculation and maintenance of a uniform and adequate disinfecting medium at all times. Approved inlets may be installed uniformly in the pool floor so long as the requirement of one per 15 feet of pool perimeter is met.

Under **Section A—Design and Construction**, second paragraph under **Piping**, has been amended to read:

PVC pipe must be approved by National Sanitation Foundation or other laboratory acceptable to S. C. State Board of Health with the nSf seal on each section of pipe.

Under **Section A—Design and Construction**, last paragraph under **Piping**, has been amended to read:

All pressure and suction lines shall have a uniform slope in one direction of not less than 3 inches per 100 feet. Gravity waste lines

around the pool 6 inches or smaller shall have a minimum slope of $\frac{1}{8}$ " per foot. Lines larger than 6 inches and all outfall waste mains shall be designed with a size of pipe and slope to freely carry the maximum flows required with no surcharge or back-pressure in the lines. All piping and equipment shall be provided as much as possible with positive means of completely draining all water to prevent damage from freezing.

Under Section A—Design and Construction, Paragraph 17. Diving Area, has been amended to read:

An unobstructed water surface area of ten feet (10') clear radius from the center end of each diving board set higher than 2 feet above water level shall be provided. From the center end of the boards not exceeding 2 feet in height, an 8-foot clear radius may be used. A 16-foot pool width minimum shall be provided also on those pools when no diving board is installed. A depth of 8 feet minimum from water level to pool bottom shall be provided in the deep portion regardless of whether or not a diving board is proposed. The 6-foot depth in this area may be no farther out than a maximum of 15 inches from the pool wall. The wall slope shall be uniform with no ledges or walkways allowed below the normal water surface. Vertical straight wall construction is permissible so long as corners are rounded sufficiently. For each meter or fraction thereof in diving board height above one meter, the minimum depths shall be increased one foot. The length of the diving bowl to slope break shall be a minimum of 24 feet regardless of whether or not a diving board is proposed.

Under Section A—Design and Construction, Paragraph 18. Electrical Requirements, has been amended to read:

18. Electrical Requirements.

a. Underwater Lighting: Where underwater lighting is used, not less than 0.5 watts shall be employed per square foot of pool area.

b. Area Lighting: Where underwater lighting is employed, uniform area lighting shall be provided for the deck area and directed toward the deck area and away from the pool surface insofar as practical in a total capacity of not less than 0.6 watts per square foot of deck area. Where underwater lighting is not employed and night swimming is permitted, uniform area lighting shall be provided in an amount of not less than 2 watts per square foot of pool area.

c. All wiring in connection with requirements for a swimming pool for lighting or power shall conform with the codes of the National Underwriters Laboratory (National Electric Code).

d. Overhead Wiring: No overhead electric wiring for lighting or power shall be permitted to pass within 20 feet of the pool.

Under Section A—Design and Construction, the seventh paragraph under **Recirculation and Filtration,** has been amended to read:

Orifices in the underdrain system shall be spaced at a maximum of 6 inches on centers both ways throughout the area of filter bed. Where porous plates are used, the total orifice area shall be designed

to provide even collection or distribution of the flow during filtration and backwashing.

Under **Section A—Design and Construction**, under **Recirculation and Filtration**, Paragraph c. **Filters, Other**, has been amended to read:

c. **Filters, Other**: Any filter, including Hi-Rate Sand Filters, manufactured for use at swimming pools and approved by the National Sanitation Foundation Testing Laboratory, Inc., Ann Arbor, Michigan, will be acceptable under these rules and regulations so long as their use conforms to limits set forth in their approval by the nSf.

Under **Section A—Design and Construction**, after Paragraph e. **Rate of Flow Indicator**, the following paragraph is added to read:

f. **Other Equipment Acceptance**: Any equipment manufactured for use in swimming pools and approved by the National Sanitation Foundation Testing Laboratory, Inc., Ann Arbor, Michigan, will be acceptable under these rules and regulations so long as their use conforms to limits set forth in their approval by the nSf.

Under **Section A—Design and Construction**, under **Bathhouses**, the last part of Paragraph d. **Floors**, has been amended to read:

All partitions between portions of the dressing room areas, screen partitions, shower, toilet and dressing room booths shall be of durable materials not subject to damage by water and shall be so designed that a water-way is provided to an approved drain where the water-way will not hamper dressing room traffic.

Under **Section A—Design and Construction**, Paragraph 24. **Water Treatment**, has been amended to read:

24. **Water Treatment.**

Disinfecting Agent: Some means of disinfecting the pool water shall be used which provides a residual of disinfecting agent in the pool water. Adequate feeding equipment and equipment for testing residuals must be employed. Inasmuch as the chlorine is almost universally used, minimum standards for the use of chlorine are given below. Disinfecting agents other than chlorine will be allowed if they bear the nSf seal of approval and proposed injection is in manner and amounts prescribed by nSf Advisory Committee for Swimming Pool Water Treatment, and Processes. No disinfecting agent shall be dispensed "by hand" but on a 24-hour basis by equipment as described below.

Equipment for supplying chlorine or compounds of chlorine shall be of capacity to feed one pound of available chlorine per 5,000 gallons of pool volume per 24-hour period in outdoor pools. This requirement may be reduced by 50% for indoor pools.

In all public pools a capacity greater than 75,000 gallons, elemental chlorine shall be supplied by means of gas chlorinator which controls and regulates the flow of the gas and mixes it in a water solution which, in turn, is injected into the pool water circulating system ahead of the filters. Gas chlorination is the only type of disinfectant which will be considered on pools of this size or greater.

A solution-feed machine shall be used (unless a gas chlorinator is proposed) when the pool contains less than 75,000-gallon capacity. It

shall conform to the following requirements and shall be sold by the manufacturer explicitly to meet these conditions and be so warranted.

a. Capacity shall be adequate to supply one pound of free chlorine per 5,000 gallons (10,000 gallons, if indoor pool) of water in the pool per 24-hour period.

(Paragraphs b, c, d, e, and f will remain "as is" in Rules and Regulations Relating to Public Swimming Pools, State of South Carolina, September 1, 1962.)

Under **Section B—Operation, Paragraph 2. Bacterial Quality—Interpretation of Results**, has been amended to read:

The local health authority shall submit to an approved laboratory a minimum of one sample per week for bacterial analysis from each pool. These samples should be taken from each corner of the pool on successive samplings.

a. Coliform Tests:

Not more than two (2) consecutive samples out of those taken in accordance with the schedule described above shall have a Most Probable Number Coliform Group Organisms of more than 5 per 100 ml of sample.

Under **Section B—Operation**, second paragraph under **5. Disinfection**, has been amended to read:

Chlorine is the usual disinfectant used with a normal free chlorine residual requirement of between 0.4 and 1.0 ppm.

Under **Section B—Operation, Paragraph 6. pH Level**, has been amended to read:

pH levels of the pool water must be maintained between 7.0 and 8.4 unless superchlorination is employed—at which time the maximum pH may be increased to 8.9 at chlorine residual of 1 ppm; however, the optimum level appears to be between 7.5 and 8.0.

STATE HIGHWAY DEPARTMENT

Promulgated under authority of Section 46-111 of the 1962 Code

(Filed in the office of the Secretary of State August 27, 1965)

Issuance and use of specially designated motor vehicle license plates for members of the South Carolina General Assembly

SECTION 1. A special series of private car license plates is hereby designated, as described herein, which may, upon application being made therefor and the regular fee required by law paid, be issued to the members of the South Carolina General Assembly, said plates to bear the words "State Senator" for members of the South Carolina Senate, and "State Legislator" for a member of the South Carolina House of Representatives, as the case may be. The said plates shall be serially numbered one through forty-six in the case of those designated "State Senator," and one through one-hundred twenty-four for those designated "State Legislator." The said specially designated license plates shall be reserved by the State Highway Department for issuance in the order of seniority of the State Senators and

members of the House of Representatives, provided that by mutual consent between respective Representatives and Senators, the order in which serial numbers are issued may be modified.

SECTION 2. The specially designated license plates issued hereunder shall not be transferrable, and in the event an owner transfers or otherwise disposes of a vehicle for which one of the said plates has been issued, he shall return same to the State Highway Department in exchange for a regular license plate which, in turn, may be transferred as provided by law, or the State Highway Department may authorize a specially designated license plate to be transferred to another owner of the same vehicle upon receipt of application therefor and payment of the regular fee required by law for registration and licensing of that vehicle.

SECTION 3. Specially designated license plates issued hereunder shall be surrendered to the State Highway Department upon expiration of the term of office, resignation or death of the holder in exchange for a regular license plate not specially designated.

SECTION 4. All specially designated license plates issued hereunder shall expire on the 31st day of October of each year.

SECTION 5. Nothing herein shall be construed as affecting the license and registration fees to be paid on the vehicle involved, nor in any way to otherwise release the owners from complying with all provisions of the law relating to the licensing and registration of vehicles in South Carolina.

INSURANCE COMMISSION

Credit Insurance R3-64

Withdrawal and Repeal of Regulation WR1-65

Promulgated under Section 37-56, Code of Laws of South Carolina, 1962
(Filed in the office of the Secretary of State October 15, 1965)

Regulation WR1-65 concerning Credit Insurance, filed in the office of the Secretary of State on February 3, 1964 is hereby withdrawn, repealed, and of no further force or effect and the Insurance Department does not approve, disapprove, or regulate the rates charged for or commissions paid in connection with life or accident and health insurance sold in this State in connection with loans or other credit transactions; however, the rating statutes continue to apply to credit property insurance and all other applicable insurance statutes continue to apply to all forms of insurance issued in this State in connection with loans or other credit transactions.

Proxies, Consents and Authorizations of Domestic Insurers R1-65

Withdrawal and Repeal of Regulation WR2-65

Promulgated under authority of Section 37-56 of the 1962 Code
(Filed in the office of the Secretary of State November 8, 1965)

Regulation WR2-65 regarding Proxies, Consents and Authorizations of Domestic Insurers filed in the office of the Secretary of State February 25, 1965 is hereby withdrawn and repealed.

Uninsured Motorist Fund Distribution

Promulgated under authority of Sections 37-56 and 46-138.6 of the
1962 Code

(Filed in the office of the Secretary of State December 21, 1965)

It appears that all companies authorized to write automobile liability insurance contracts in this State are requested from time to time to provide the Insurance Department with appropriate premium and loss statistics for the particular year involved and that such companies are advised that any such company not making a timely report of such statistics will not be entitled to participate in the distribution of the South Carolina Uninsured Motorist Fund for the particular year involved.

It further appears that the appropriate formulae for distribution consistent with the provisions and intent of Section 46-135, et seq., of the Code, is as follows:

Section 1. The fund distributable shall comprise an amount equal to the total amount of uninsured motorist fees provided for in Section 46-136 of the Code, less the amount provided for in Section 46-138.4(1) of the Code regarding costs and expenses for administration in the registration and licensing of uninsured motor vehicles, plus the balance remaining in the fund for prior years.

Section 2. The fund distributable shall be separated on the basis of total written premiums for private passenger writings and total written premiums for all other automobile liability writings.

Section 3. Distribution shall be made from the total "private passenger" distributable fund, pro-rata to participating companies on the basis of company insured car years to the total of all companies insured car years.

Section 4. Distribution shall be made from the total "all other" distributable fund, pro-rata to the participating companies on the basis of company "all other" written premiums to the total of all companies "all other" written premiums.

Therefore, distribution shall be made from the Uninsured Motorist Fund, in accordance with the above formulae.

Liquefied Petroleum Gas Board

Promulgated under authority of Section 66-431.2 of the 1962 Code

(Filed in the office of the Secretary of State February 21, 1966)

Regulation RLP 1-66

**Liquefied Petroleum Gas—National Fire Protection Association
Pamphlet No. 58—1965**

I. Applicability of Pamphlet No. 58:

The provisions of Pamphlet No. 58 shall constitute the minimum general standards covering the design, construction, location, installation and operation of equipment for storing, handling, transporting by tank truck or tank trailer and utilizing liquefied petroleum gases and the odorization of such gases and the degree thereof. A copy of Pamphlet No. 58 is filed with this

Regulation and made a part hereof by reference to the same extent as if it were hereinafter set forth in its entirety.

II. Prior Regulation:

The Regulation dated July 19, 1963, regarding a prior edition of Pamphlet No. 58 is hereby canceled and superseded.

Those interested should refer to the copy of Pamphlet No. 58 which is filed in the office of the Secretary of State.

Proxies, Consents and Authorizations of Domestic Insurers R1-66

Effective April 1, 1966

Promulgated under authority of Act No. 832 of 1966, the "Insider Trading Statute"

(Filed in the office of the Secretary of State April 1, 1966)

Those interested should refer to the copy of this regulation which is filed in the office of the Secretary of State.

REAL ESTATE BOARD

Promulgated under authority of Section 56-1545.4 of the 1962 Code
Adopted September 18, 1965; superseding those adopted June 5, 1962,
September 28, 1961 and September 22, 1960

(Filed in the office of the Secretary of State October 21, 1965)

It is the purpose of this Board, acting under the Provisions of the Act creating it, to safeguard the public interest in real estate transactions and to regulate the licensing of real estate brokers, salesmen, counsellors, appraisers, and property managers; and to encourage the maintenance of high ethical practices by all such real estate licensees doing business in the State of South Carolina.

I. The South Carolina Real Estate Board will deem any person acting as a real estate broker, salesman, counsellor, appraiser, or property manager in violation of the Real Estate Licensing Act should he commit any one of the following acts:

- A. Making any substantial and willful misinterpretation.
- B. Making any false promises of a character likely to influence, persuade, or induce.
- C. Pursuing a course of misrepresentation or making of false promises through agents or salesmen.
- D. Intentionally advertising, whether printed or by radio, display, or other nature, which is misleading or inaccurate in any material particular or in any way misrepresents any property, terms, values, or policies or services of the business conducted.
- E. Acting for more than one party in a transaction without the knowledge of all parties for whom he acts.
- F. Acting in the dual capacity of broker and undisclosed principal in any transaction.
- G. Accepting a commission or valuable consideration as a real estate salesman for the performance of the acts specified in this Act, from any person except the licensed broker by whom he is employed.

- H. Representing or attempting to represent a real estate broker other than the broker by whom he is engaged or associated without the express knowledge and consent of the broker with whom he is associated.
 - I. Guaranteeing or authorizing or permitting any person to guarantee future profits which may result from the resale of real property.
 - J. Failing, within a reasonable time, to account for and to remit any monies coming into his possession which belong to others.
 - K. Paying a commission or compensation to any person for performing the services of a real estate broker or real estate salesman who has not first secured his License under this Act.
 - L. Being unworthy or incompetent to act as a real estate broker or salesman in such a manner as to endanger the interests of the public.
 - M. For making of dual sets of Sales Contracts, written or otherwise, which would falsify the transaction in an effort to obtain a larger loan from any lender or lending institution, or for the purpose of misinforming any Governmental Agency.
 - N. Any other conduct, whether of the same or a different character from that hereinbefore specified, which constitutes improper, fraudulent, or dishonest dealing.
 - O. Any person (licensed) advertising real property for sale must identify himself in such advertising as being a broker or other agent as the case may be, rather than attempting to make the public believe that he is the owner of the property so advertised.
- II.
- A. For the proper and orderly control of the real estate business in South Carolina, every person licensed by the State must be affiliated with a licensed firm, even though that firm be wholly or in part owned by the licensee.
 - B. After June 5, 1962, no broker's license applied for shall be issued unless the applicant is 21 years of age; no salesman's license applied for shall be issued unless the applicant is 19 years of age. If a request for waiver of this provision is made to the Commissioner, action on that application must be postponed until the next regular meeting of the Board, at which time the Board will judge the merits of each application.
- III.
- A. There shall be established a real estate examination fee for brokers, salesmen, counsellors, appraisers and property managers of \$25.00 per examinee and there shall be no return of this examination fee upon failure of examination by applicant provided, however, that should the examinee pass the examination, such examination fee shall be treated as a personal license fee for that year.
 - B. Any person failing to pass a real estate examination under the provisions for temporary licensing will be allowed an opportunity to take a second examination within thirty (30) days at no additional cost. If he fails to stand the examination within that thirty days

or fails the second examination, his license is to be automatically cancelled. Notice to the Commissioner of intent to retake the examination must be given within five (5) days after notice from the Commissioner that the licensee has failed in his first attempt. Any other person applying for a permanent license who fails the examination will be required to wait six (6) months before being allowed an opportunity to take a second examination.

IV.

A Licensee must report to the Commissioner any change of address or any change in employment within ten days after such change and the employing broker must report the termination of said licensee's affiliation with his firm in like manner .

V.

To better determine the qualifications of all applicants for temporary license, it is hereby made a part of these Regulations that all applicants for temporary license, submitting application after June 5, 1962, shall be required to come to the Office of the Commissioner in Columbia, without expense to the Commissioner, for the purpose of a personal interview with the Commissioner. The Commissioner shall notify applicant when to come for such interview (normally within fourteen days of date application is received). Applicant is again cautioned that he is not licensed until so advised by the Commissioner.

VI.

All complaints against real estate brokers, salesmen, counsellors, appraisers, or property managers, must be in writing and given to the Commissioner.

VII.

All applications for renewal of licenses must be filed on or before June 30th of each year. In event of failure on the part of the applicant to file his renewal by June 30th of each year, he shall be required to pay a five dollar penalty fee if application is filed on or before July 31st. If the applicant does not file for renewal by July 31st and does file for renewal during the month of August, he will be required to pay a penalty fee of \$25.00. If he fails to file for renewal by August 31st and continues to engage in the real estate business, he shall be deemed in violation of the Statute and will be prosecuted to the full extent of the law.

VIII.

Any real estate broker, salesman, counsellor, appraiser or property manager who withdraws from the business and then returns to the business within three (3) years from the date of withdrawal, can return by submitting application for license and paying the current license fee.

IX.

No member of the South Carolina Real Estate Board shall sign any application for a Temporary License as an endorser thereof.

SECURITIES COMMISSIONER

Promulgated under authority of Section 62-6 of the 1962 Code

(Filed in the office of the Secretary of State September 2, 1965)

The following amended Rules have been adopted by the South Carolina Securities Commissioner as being necessary to carry out the provisions of Title 62, S. C. Code 1962, and as being in the public interest and for the protection of investors.

Rules IB, IC and ID are amended to read as follows:

Rule IB**Sales Permits And Examinations For Principals, Partners, Officers And Directors Of Broker-Dealers And Issuers**

(1) No Principal, Partner, Officer or Director of a registered Broker-Dealer, or of an Issuer offering its securities under a South Carolina registration, shall engage in the sale of securities in South Carolina without a Sales Permit. Such Permits will be issued by the Securities Commissioner without charge upon written request, except that a Principal, Partner, Officer or Director of a Broker-Dealer shall be required to pass the South Carolina State Securities Examination with a score of 85% or better, unless exempt under (3) following or Rule ID(2). The term "Officer" shall for these purposes be limited to include Chairman of the Board, President, Vice-President, Secretary and Treasurer.

(2) Any Securities Agent who scored less than 85% on the South Carolina State Securities Examination, and who becomes a Principal, Partner, Officer or Director (as in (1) above) of a Broker-Dealer, must retake that Examination and score a minimum of 85% in order to be eligible for a Sales Permit, unless exempt under Rule IC(2) or Rule ID(2).

(3) No person listed with the Securities Commissioner on May 1, 1963 as a Principal, Partner, Officer or Director of a Broker-Dealer shall be required to pass such Examination to obtain or maintain his Sales Permit, provided he shall have been so listed continuously from that date to a date not more than 60 days prior to application. The Securities Commissioner may allow for lapses occasioned by transfer from one Broker-Dealer to another.

Rule IC**Examinations For Securities Agents**

(1) As a condition of registration, every applicant for registration as a Securities Agent employed by a Broker-Dealer or an Issuer shall be required to pass the South Carolina State Securities Examination with a score of 70% or better, unless exempt under (2) following or Rule ID(2).

(2) No Securities Agent registered as such on May 1, 1963 shall be required to pass such Examination to obtain or maintain his registration or to obtain or maintain a Sales Permit as in Rule IB(2), provided he shall have been so registered continuously from that date to a date not more than 60 days prior to application. The Securities Commissioner may allow for lapses occasioned by transfer from one Broker-Dealer or Issuer to another.

(3) As a condition of registration as a Securities Agent of a Broker-Dealer where no Principal, Partner, Officer or Director (as in Rule IB (1)) has passed the South Carolina State Securities Examination with a score of 85% or better, or the examinations for Principals given by the National Association of Securities Dealers or the New York Stock Exchange, every applicant shall be required to pass the South Carolina State Securities Examination with a score of 85% or better.

Rule ID

Provisions Applicable In General To The South Carolina State Securities Examination

- (1) The examination fee shall be \$10.00 for each examination.
- (2) A passing grade on the examinations for Securities Agents or for Principals given by the National Association of Securities Dealers or the New York Stock Exchange shall be accepted in lieu of the South Carolina State Securities Examination. No person who has passed any of these examinations shall again be required to pass another examination (except as in Rule IB(2)) unless for a period of 36 or more consecutive months he shall not have been registered as a Securities Agent or as a Principal, Partner, Officer or Director of a Broker-Dealer.
- (3) Upon request, the Securities Commissioner shall forward to any interested person a Study Outline setting forth the areas covered by the Examination, together with suggestions for reading and study, and a schedule of examination dates over the immediate future. Upon receipt of the examination fee of \$10.00 plus (a) a properly executed application for registration as a Securities Agent, together with filing fee of \$10.00 and executed Consent to Service, or (b) a written request for a Sales Permit, the Securities Commissioner shall forward to the applicant written authorization to take the Examination, specifying the place, date and time of the Examination.
- (4) An initial failure to obtain the required grade on the South Carolina State Securities Examination shall require a waiting period of 30 days before taking a second examination. Failure to pass for the second time shall require a waiting period of 90 days, and for the third failure, 6 months. A fourth failure will result in automatic withdrawal of the application. The \$10.00 examination fee is payable for each examination.

These amended Rules will become effective on October 1, 1965, and will amend and supersede the provisions of Rules IB, IC and ID which were theretofore in effect.

TAX COMMISSION

Alcoholic Liquors

Regulation No. 25

Promulgated under authority of Section 4-6 of the 1962 Code

(Filed in the office of the Secretary of State August 12, 1965)

Regulation No. 25 of the South Carolina Tax Commission pertaining to alcoholic liquors, adopted the 22nd day of May, 1963, and recorded in

the office of the Secretary of State on the 24th day of May, 1963, is hereby repealed. This repeal shall be effective August 11, 1965. Adopted the 11th day of August, 1965.

Beer and Wine

Regulation No. 2, as Amended

Promulgated under authority of Section 65-662 of the 1962 Code
(Filed in the office of the Secretary of State May 18, 1966)

No refunds shall be allowed for beer sold for out-of-state shipment unless the S. C. Tax-paid stamps, lids or crowns, affixed on the bottles or containers, be cancelled as hereinafter provided. Before shipment out-of-state, the Wholesaler shall permanently affix on each individual bottle or container, at the same place the stamps, lids or crowns appear thereon, the word Cancelled or any other obvious abbreviation, approved by the Tax Commission.

This Regulation shall become effective the 1st day of June, 1966.

Regulation No. 14, as Amended

Promulgated under authority of Section 4-230.1 of the 1962 Code
(Filed in the office of the Secretary of State July 15, 1965)

Regulation No. 14, filed with the Secretary of State on November 12, 1964, is hereby repealed by striking out all of said regulation and inserting in lieu thereof the following, which shall be Regulation No. 14, as amended.

"No beer and wine wholesaler or brewery representative shall give nor shall any retail dealer accept or receive any beer, wine or anything of value to induce the purchase of beer and wine. Invoices from wholesalers to retailers must show actual quantity delivered and price charged."

Regulation No. 15

Promulgated under authority of Section 65-662 of the 1962 Code
(Filed in the office of the Secretary of State May 18, 1966)

Beer and wine, the sale of which is exempt from tax under the provisions of Section 65-659 as amended by Act 1009 of the 1966 Joint Acts and Resolutions, approved by the Governor May 11, 1966, shall be delivered only from unstamped stock stored in an out-of-state compartment in order to be entitled to such exemption. In the event any merchandise to which stamps have been affixed is delivered to the Federal Government or any instrumentality thereof, the value of such stamps will NOT be refunded by the Tax Commission.

No merchandise to which stamps have been affixed shall be transferred to the out-of-state compartment, and refunds will not be made thereon even if the stamps have been cancelled.

The only refunds which will be made shall be with respect to goods shipped out of the geographic limits of the State of South Carolina in accordance with the provisions of Section 65-658 and upon damaged goods in accordance with the provisions of Section 65-661 and any applicable regulations of the South Carolina Tax Commission.

This Regulation shall become effective the 1st day of June, 1966.

**Business License and Soft Drinks
Regulation No. 12, as Amended**

Promulgated under authority of Section 65-662 of the 1962 Code
(Filed in the office of the Secretary of State May 18, 1966)

The authority granted the South Carolina Tax Commission under Sections 65-658, 65-661, 65-662 and 65-775, Chapter 10, Title 65, 1962 Code of Laws, as amended, shall be allowed only when the seller of the goods, wares or merchandise taxed under said Chapter, before making shipment or delivery as provided under said Sections, shall have cancelled the tax-paid stamps, crowns or other indicia of tax payments which shall have been affixed or emplaced according to law, by permanently stamping with indelible ink at the same place the tax-paid stamps, crowns or other indicia of payment appears, a rubber stamp cancellation impression, reading as follows:

"Cancelled. Subject to penalty of not more than \$100.00 and Confiscation if this package is offered for sale in South Carolina unless restamped."

In the event the above rubber stamp impression is not used, complete destruction of the stamps on each individual package will be required before refund will be issued.

This Regulation supersedes and cancels Regulation No. 5, of the License Tax Division.

This Regulation, as amended, shall become effective the 1st day of June, 1966.

Regulation No. 15

Promulgated under authority of Section 65-662 of the 1962 Code
(Filed in the office of the Secretary of State May 18, 1966)

Soft drinks, cigarettes, snuff, smoking tobacco, chewing tobacco, cigars, stogies, cheroots, cartridges, shells and playing cards, the sale of which is exempt from tax under the provisions of Section 65-659 as amended by Act 1009 of the 1966 Joint Acts and Resolutions, approved by the Governor May 11, 1966, shall be delivered only from unstamped stock stored in an out-of-state compartment in order to be entitled to such exemption. In the event any merchandise to which stamps have been affixed is delivered to the Federal Government or any instrumentality thereof, the value of such stamps will NOT be refunded by the Tax Commission.

No merchandise to which stamps have been affixed shall be transferred to the out-of-state compartment, and refunds will not be made thereon even if the stamps have been cancelled.

The only refunds which will be made shall be with respect to goods shipped out of the geographic limits of the State of South Carolina in accordance with the provisions of Section 65-658 and upon damaged goods in accordance with the provisions of Section 65-661 and any applicable regulations of the South Carolina Tax Commission.

This Regulation shall become effective the 1st day of June, 1966.

Regulation No. 16

Promulgated under authority of Sections 65-651, 65-771 and 65-851 of the 1962 Code

(Filed in the office of the Secretary of State June 16, 1966)

Whenever any person, firm or corporation contracts with another person, firm or corporation for the manufacture of soft drinks, either in bottles or cans, the contracting parties shall be considered a manufacturing unit. Such manufacturing unit, or either of the contracting parties comprising such unit, shall not benefit from the purchase of more than 5,000 gross of 1¢ units, or the equivalent combination of such units, at 36¢ per gross, during any one fiscal year. To insure compliance with the law, any such manufacturing unit, before purchasing lids or crowns at the reduced rate of 36¢ per gross, shall first satisfy the South Carolina Tax Commission that the contracting parties, or either of them, have not theretofore purchased lids or crowns or benefited from the purchase of lids or crowns at the rate of 36¢ per gross for more than 5,000 gross of 1¢ units, or the equivalent combination of such units.

This Regulation shall become effective the 1st day of July, 1966.

Regulation No. 17

Promulgated under authority of Sections 65-651, 65-737, 65-771 and 65-851 of the 1962 Code

(Filed in the office of the Secretary of State June 16, 1966)

All business license tax stamps, crowns or lids, all soft-drinks tax stamps, crowns or lids, all beer and wine tax stamps, crowns or lids evidencing payment of the taxes imposed by Chapter 11, Title 65 of the 1962 Code of Laws for South Carolina, as amended, shall be purchased from the South Carolina Tax Commission or an authorized depository or manufacturer by the person using such stamps, crowns or lids; and all such purchasers are prohibited from selling or otherwise disposing of such South Carolina tax stamps, crowns or lids to any other person. All such stamps, crowns or lids shall be purchased for the individual use of the purchaser and transfers of such stamps, crowns or lids between the purchaser and any other person is hereby specifically prohibited.

This Regulation shall become effective the 1st day of July, 1966.

WATER POLLUTION CONTROL AUTHORITY

Promulgated under authority of Sections 70-101 through 70-139 of the 1962 Code

(Filed in the office of the Secretary of State March 8, 1966)

Stream Classification

(The public hearing as required by law prior to the classification and/or reclassification of streams was held in Gaffney, South Carolina, January 20, 1966.)

This action is based on the following finding of fact made by the Authority after consideration of the transcript of public hearing held by the

South Carolina Pollution Control Authority in Gaffney, South Carolina, January 20, 1966:

1. THAT the public hearing was requested by the Daniel Morgan Water District so that the stream might be used as a raw water source for a public water supply, and further that engineering studies indicate the feasibility of this plan.
2. THAT Zekial Creek and tributaries in Cherokee County from their headwaters to its intersection with S. C. Highway No. 110 are presently unclassified.
3. THAT testimony at the hearing indicated that interested local residents desire that these waters be placed in Class B.
4. THAT analyses performed by the technical staff of the South Carolina Pollution Control Authority show that these streams meet the quality standards for Class B waters.
5. THAT no opposition to this proposal was expressed at the hearing.
6. THAT based on these facts, we therefore find the proper classification of Zekial Creek and tributaries in Cherokee County from their headwaters to its intersection with S. C. Highway No. 110 to be Class B.

WILDLIFE RESOURCES DEPARTMENT

Division of Commercial Fisheries

Promulgated under authority of Section 28-174 of the 1962 Code
(Filed in the office of the Secretary of State, September 3, 1965)

Master of a Vessel Licensed by the Division of Commercial Fisheries

1. Section 28-944 of the 1962 Code of Laws of South Carolina provides that at the time of securing certain boat licenses the owner of the boat **shall file with the Division of Commercial Fisheries** a sworn statement giving the name and address of the master or captain of the boat.
2. No person under the age of sixteen (16) years shall be named in the said statement as the master or captain of the boat.
3. Except as modified or changed hereby all prevailing laws, rules and regulations concerning fishing and fisheries in South Carolina shall remain in full force and effect.

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APPENDIX

(R1111, H1399)

No. 1065

An Act To Be Known As The Uniform Commercial Code, Relating To Certain Commercial Transactions In Or Regarding Personal Property And Contracts And Other Documents Concerning Them, Including Sales, Commercial Paper, Bank Deposits And Collections, Letters Of Credit, Bulk Transfers, Warehouse Receipts, Bills Of Lading, Other Documents Of Title, Investment Securities, And Secured Transactions, Including Certain Sales Of Accounts, Chattel Paper, And Contract Rights; Providing For Public Notice To Third Parties In Certain Circumstances; Regulating Procedure, Evidence and Damages In Certain Court Actions Involving Such Transactions, Contracts or Documents; To Make Uniform The Law With Respect Thereto; And Repealing Inconsistent Legislation.

Whereas, the General Assembly appreciates the fact that the Uniform Commercial Code represents the work of the National Conference of Commissioners on Uniform State Laws and the American Law Institute covering a period of fifteen years; and

Whereas, the General Assembly realizes the tremendous challenge with which the legislators, the Judiciary, and the lawyers of the State will be confronted in their effort to thoroughly understand the Code; and

Whereas, the General Assembly believes that a careful examination of the background and introduction to the Code prepared by Professor Robert W. Foster, who served as reporter in the consideration of the Code for introduction, will greatly facilitate an understanding of the various articles before a detailed study is undertaken; and

Whereas, the General Assembly has decided to include in the preamble the remarks of Professor Foster as a background and introduction;

BACKGROUND AND INTRODUCTION

The movement toward uniform commercial laws began in the latter part of the last century with the principal impetus coming from the increased volume of interstate commerce as a product of the industrial revolution. The early manifestation of the need for uniformity of law in the several states was the creation of the National Conference of Commissioners on Uniform State Laws, whose first

major project was the promulgation of the Negotiable Instruments Law in 1896. Thereafter the Conference commissioned the drafting of the Uniform Sales Act (1906), Uniform Warehouse Receipts Act (1906), Uniform Stock Transfer Act (1909), Uniform Conditional Sales Act (1918), and the Uniform Trust Receipts Act (1933).

In 1940, when the Conference met to consider amendments to the Uniform Sales Act in order to avoid conflict with a proposed Federal Sales Act, a proposal was made to abandon the piecemeal approach to codification of commercial law in favor of a single comprehensive statute. The suggestion was accepted and the Uniform Commercial Code was conceived.

In 1942 the American Law Institute and the Conference joined in this undertaking and appointed an editorial board and numerous drafting committees composed of many nationally prominent judges, lawyers, and law teachers. The Section of Corporation, Banking and Business Law of the American Bar Association worked with the editorial board and made numerous suggestions which were incorporated into the Code. In 1951 the official text was approved by the two sponsoring organizations and by the House of Delegates of the American Bar Association.

This text, with the drafter's official comments as finally approved, was available in 1952 and the next year the Code was enacted in Pennsylvania. The New York Legislature, however, referred it to the New York Law Revision Commission for a comprehensive study and public hearings. After three years of work and the expenditure of \$300,000, the New York Commission reported that the Uniform Commercial Code was not satisfactory in its present form. In order to meet a number of the objections raised in this critical analysis the editorial board revised a number of sections. This became the 1957, 1958 and finally the 1962 official draft, which has been enacted in twenty-nine states and the District of Columbia as of the date of this writing.

In an attempt to head off the tendency to amend parts of the Code as it comes up for enactment in each state and to iron out defects as they appear in application, a permanent editorial board was established to consider "uniform" amendments. This board has published its 1962 official recommendations which will be considered as the most current edition of the proposed Code.

The basic premise on which the Uniform Commercial Code is based is that a "commercial transaction" is a single subject of the law, notwithstanding its many facets, involving the sale of and payment for goods. There may be a contract for sale, the giving of a check for part of the purchase price which may be negotiated through the banking system for collection, and the acceptance of some form of security for the balance. The goods may be shipped or stored requiring some form of document of title.

The basic objective of the Code is to bring all of these phases under one statute and to simplify, clarify, modernize and make uniform this law. The physical arrangement is to treat these various phases under eight separate articles. These consist of an article on sales, an article on "commercial paper," which would repeal the Negotiable Instruments Law, an article on bank deposits and collections which would repeal the Bank Collection Code, an article on letters of credit, an article on bulk sales which would repeal the Bulk Sales Act, an article on documents of title which would repeal the Uniform Warehouse Receipts Act and the Uniform Bill of Lading Act, an article on investment securities which would repeal the Uniform Stock Transfer Act, and finally, an article on all types of personal property security transactions which would repeal a number of South Carolina statutes dealing with chattel mortgages and related matters. Article 1 is a general introductory article and Article 10 states the effective date of the Code and lists the existing statutes to be repealed. Other uniform commercial acts which the Code replaces but which have not been enacted in South Carolina are the Uniform Sales Act, the Uniform Conditional Sales Act and the Uniform Trust Receipts Act.

The several predecessor statutes promulgated by the National Conference of Commissioners on Uniform State Laws were all drafted at different times by different hands. For the first time the Code affords the opportunity of integrated coverage whereby the rules are written with regard to the interrelation between the many aspects of commercial transactions.

ARTICLE 1

GENERAL PROVISIONS

Article 1 contains several general policy pronouncements as a guide to the construction of sections throughout the Code. Consistent

with a major objective of flexibility to permit adaptability to change and expansion of commercial practice through custom, usage and agreement of the parties. Section 1-101 expresses a non-controversial preference for freedom of contract. This general language is at once compromised by policy considerations which preclude enforcement of such contract terms which would relieve a party of the obligation of good faith, due care and such other specific exceptions which will come as no surprise to the lawyer. For example, the invalidity of a clause in a security contract depriving the debtor of certain rights in the collateral upon default is continued under Code Section 9-501(3).

Another broad policy statement is the preference for liberal administration of remedies (1-106). This is, no doubt, a reaction against the tendency of restricting damage for breach found in some of the case decisions and is more specifically illustrated in the Code by Section 2-708, which permits a seller to include lost profits as part of his damages against a breaching party.

While the Code is in effect in some states and not in others, difficult conflict of laws problem may arise in interstate commercial transactions. This problem may be partially relieved by the provision of Section 1-105 which authorizes the parties to the transaction to designate in their contract the application of law of a state having some reasonable relation to the contract. A subsection provides an index to other sections of the Code which specify the applicable law governing a specific type of commercial transaction.

Section 1-201 contains a definition of forty-six terms which are used throughout the Code. Some of these are in familiar usage in the commercial field; others are new or are defined in a revised or modified way.

ARTICLE 2

SALES

Article 2 is designed to replace the Uniform Sales Act modifying many of the provisions to meet modern commercial needs and to fill gaps of coverage which could not have been anticipated when that Uniform Act was drafted in 1906. While South Carolina is one of about a dozen states which has never enacted the Uniform Sales Act, it was essentially a codification of the common law and thus most of the provisions have been established or have been followed in South Carolina by the case decisions.

A novelty of the sales article of the Code is the attempt to stratify sales law by stating different rules where the parties to a sale are merchants. This is more apparent than real, however, since the term "merchant" is defined in section 2-104 as "a person who deals in goods of the kind" which would include the great bulk of all sales transactions. (Early drafts of this article contained re-sale, industrial purchasers who buy for use, and sales to individual consumers. These distinctions have been deleted by subsequent drafts of the Code.)

Title Passing Concept

A much more significant novelty of Article 2 is the attempt to state the law without reference to what has been considered the central point in Anglo-American Sales Law for at least a century and a half—the location of title. Many of the controversies between buyer and seller have been answered by early common law decisions, and subsequently as codified in many states by the Uniform Sales Act, by a determination of the location of title to the goods which formed the subject matter of the sales transaction. It has been fictitiously supposed that the parties intended title to pass at some particular time. To compound the fiction, presumptions as to when the parties intended the title to pass were invented which now seem to approach the status of substantive rules of law. Having thus located title in either buyer or seller, it appears to be a simple and certain matter to proceed from that point to the result of such important questions as risk of loss, the right of the seller to maintain an action for the price (as distinguished from an action for damages), the buyer's right to have the goods, as well as matters not directly involved with sales law such as the tax burden upon the goods and the right of creditors and a trustee in bankruptcy of the buyer or seller to reach the goods.

The drafters of Article 2 took the position that this "lump concept thinking" has created many uncertain and unfair results since it is frequently difficult to predict when title passes, and even when established, it may have no logical relationship to the rights in question. The basic approach of "narrow-issue" thinking under the Code is generally stated in Section 2-401:

"Each provision of this Article with regard to the rights, obligations and remedies of the seller, the buyer, purchasers or other third parties applies irrespective of title to the goods except where the provisions refer to such title."

Having thus de-emphasized title, specific rules are stated to provide solutions to specific problems. Thus, on the recurring risk of loss problem, possession of the goods is the controlling factor which replaces the title passing test, except where either party is in breach in which case the loss falls on the breaching party (2-509, 2-510). Where the goods are to be shipped from seller to buyer, possession and thus risk of loss passes to the buyer when the goods are delivered to the carrier, except on a destination contract (*e. g.*, "F.O.B., Columbia, South Carolina," where goods are to be shipped to the buyer in Columbia) possession and risk of loss passes to the buyer when the goods are tendered at their destination.

Furthermore, the seller's rights upon breach by the buyer to recover the contract price (and hold the goods for the buyer—the seller's equivalent of the buyer's action for specific performance) would not turn on the passage of title under the Code but on the more functional basis of whether the seller may be able to re-sell the goods (2-709).

Where there are no specific provisions dealing with an issue, and title passing remains relevant, such as in determining the tax incident, or application of other public regulation, Section 2-401 prescribes the point in time when title passes. Generally, this is when the seller completes his performance by delivery, or shipment of documents of title or of the goods, when so required; otherwise at the time of contracting. But, in no event, will title pass until the goods are identified to the contract, *i. e.*, with respect to future goods, when they are designated by the seller as goods to which the contract refers.

Performance

While the Code would seem to continue the standard for a seller's performance of "perfect tender," as distinguished from "substantial performance" where delivery is to be made in single lot (2-601 says "if the goods fail in *any* respect to conform . . .") some of the sting has been removed by the rule of 2-508 which introduces the concept of "cure." A seller is permitted to remedy a defective tender if he can do so within the time set for performance. Furthermore, the seller may cure, after the time for performance has passed, if the "buyer rejects a non-conforming tender which the seller had reasonable grounds to believe would be accepted." This latter provision is designed to relieve the seller from the "forced breach" advantage

enjoyed by the buyer who could wait until the 11th hour and reject the goods (usually for the real reason that due to a change in market conditions the contract is no longer attractive to him) because of some minor defect.

Section 2-605 points up another advantage enjoyed by the buyer by requiring him to state the grounds for rejection where a defect in the tender could have been ascertained by reasonable inspection and could have been cured by the seller if stated seasonably. Failure on the part of the buyer to so particularize will preclude him from relying on the unstated defect to justify his rejection. With respect to other grounds of rejection (those not readily apparent or not so minor as to be cured) the merchant buyer, upon request from a merchant seller, must make a written final statement of all the defects on which he proposes to rely. Thereafter, the buyer is limited to the objections so stated.

Remedies for Breach

Most of the remedy rules upon breach are continued but with some modifications. The Code introduces the concept of "cover" where the seller fails to perform by giving the buyer an alternative right to purchase substitute goods and recover from the seller the difference between the contract price and the cost of cover as an absolute measure of damages, provided he purchases in a reasonable manner (2-712). In order to be consistent with the right to cover, the buyer's alternative right to sue for damages is measured by the difference between the contract price and the market price at the time he learned of the breach (the time when he could have made a cover purchase), and not the market price at the time when the goods should have been delivered (2-713). The buyer's right to specific performance is liberalized by section 2-716, when the goods are "unique (the usual rule) or in other proper circumstances." This last phrase is apparently to permit the buyer to have the specific goods when, for example, in an "output" or "requirements" contract, he is unable to cover, even though the goods are not necessarily unique.

As in the case of the buyer's remedies, the seller's rights under the Code upon breach are also similar to existing law but with some liberalizing modifications. The seller has the absolute right to re-sell the goods wrongfully refused by the buyer and recover the difference in re-sale price and the contract price, provided the re-sale is "com-

mercially reasonable" (2-706). Code Section 2-709 expressly permits the seller to recover any lost profits which he would have received had the buyer performed, which the case law has been reluctant to allow, where the market price and contract price are the same.

Public policy restrictions are imposed on freedom of contract under Section 2-718 where a liquidated damage clause upon breach is enforceable only where reasonable (not excessive) and in no event will the buyer be made to forfeit an amount in excess of twenty per cent of the price or \$500.00 whichever is smaller. An interesting balance between freedom of contract and policy limitations thereto is found in section 2-725 which prescribes a 4-year statute of limitations for actions on a sales contract which by agreement may be reduced to not less than one year, but may not be extended.

Formation of the Sales Contract

One area of sales law, which is not touched by the Uniform Sales Act nor treated separately from the general common law of contracts, is the formation of a sales contract. The application of the usual rules of offer, acceptance and consideration has resulted in some uncommercial and unexpected results—at least results which are not expected by the non-lawyer businessman. The drafters of the Code took this opportunity to make sales contract law conform to commercial practice and understanding as to when merchants are bound by their agreements. For example, by section 2-205, a written firm offer to buy or to sell goods may not be revoked for a limited time, even though no consideration has passed. Under section 2-207, an offer to buy goods may be accepted and a contract formed, even though the acceptance contains some additional or minor different terms, and such additional terms will become part of the contract unless objected to within a reasonable time. Section 2-209 permits a good faith modification of an existing sales contract without additional consideration, as between merchants. In authorizing the commercially expedient open-price agreements and output and requirement contracts, sections 2-305 and 2-306 deliver the final death blow to the common law objections of uncertainty and lack of mutuality.

Section 2-201 continues the application of the Statute of Frauds to sales contracts with some apparent reluctance, as evidenced by some liberalizing modifications. The amount of the purchase price, which creates the requirements of a writing, is increased to \$500.00. The

language "some writing sufficient to indicate that a contract of sale has been made . . ." rejects the strict early case law requirement of stating all material terms of the contract in a written memorandum. Where merchants make an oral telephone contract and a confirmation of the conversation is sent by letter, the other party must object to the contents of the writing within ten days. Thereafter, the contract may be proved by oral evidence and is not subject to the Statute of Frauds defense. Partial performance of an oral contract satisfies the Statute of Frauds only to the extent that goods or payment have been actually received.

Warranties

In dealing with the frequently litigated problem of sales warranties, the Code makes surprisingly little change. One minor conflict is resolved by the provision of section 2-314 that the "serving for value of food or drink to be consumed either on the premises or elsewhere is a sale." Disclaimer of warranties is still permitted as a matter of freedom of contract, but with the condition that if in a written contract, it must be conspicuous and to disclaim the implied warranty of merchantability, the writing must mention the word "merchantability." The Code is silent on the question of privity between the seller and buyer as a prerequisite of a breach of warranty claim. This highly controversial issue is therefore left to the developing case law when a buyer seeks to hold the manufacturer of the goods liable for defects which constitute a breach of the "contractual" warranty obligation.

Rights of Third Parties

An important change with respect to the rights of third parties is the rule of section 2-403 which gives to a buyer from a merchant who deals in goods of that kind a claim to the goods which is superior to that of an owner who had entrusted them with the merchant. This is a substantial change from the law as it is said to be, that a transferor can pass no better title than he, himself, had. The change may be more modest when compared with recent case decisions which are inclined to estop the entrusting owner from asserting his title against a bona fide purchaser—the law as it actually is—based on the modern tendency toward greater negotiability of goods.

When goods are sold and the seller remains in possession, case decisions have held under varying circumstances that the seller's creditors may treat the sale as fraudulent and thus void as to them.

Section 2-402 modifies this rule by stating that "retention of possession in good faith and current course of trade by a merchant-seller for a commercially reasonable time after a sale or identification is not fraudulent."

ARTICLE 3

COMMERCIAL PAPER

The Uniform Negotiable Instrument Law (NIL) was the first of the uniform laws promulgated by the National Conference of Commissioners on Uniform State Laws and the only one enacted by all of the states. In repealing the NIL, Article 3 of the Code represents the first real re-examination and revision of the law of commercial paper in over sixty years. The Code drafters apparently found most of the NIL rules as it applied to commercial paper (the Code term for bills and notes) adequate, since they confined themselves principally to the tidying up of loose ends by resolving a number of conflicts which have developed over the years.

An important change in the scope of coverage is to divorce commercial paper from long-term investment securities by dealing with the latter in a separate Article 8. This would solve the problem of fitting corporate bonds, which necessarily carried collateral provisions, into the rigid mold of the NIL, which conceived of all negotiable paper as a "courier without baggage."

Also, the check collection process by banks which has been partially dealt with under the Bank Collection Code and the NIL, is split off and placed under a separate Article 4.

Form and Negotiation

The Code continues the basic policy that commercial paper, in order to serve its function as a substitute for money, must be a certain promise to pay a definite amount of money at a definite time. A number of conflicting and uncertain rules of case law which has attempted to balance this policy with contemporary commercial needs are resolved and settled. For example, negotiability is not affected by any acceleration clause in a time instrument (3-109) but such acceleration may be called only upon the good faith belief that the prospect of payment is impaired (1-208). Furthermore, a promise to pay is unconditional, and thus negotiability is not impaired, where a note is executed by a partnership and the promise to pay is only

out of partnership assets, or by a governmental agency where the promise is limited to payment out of a particular fund.

Most of the basic rules concerning negotiation are continued under the Code. An illustration of a minor change is the complete rejection of the "once bearer, always bearer" common law cliché as partially enacted by section 40 of the NIL, which treats a bearer instrument as remaining bearer even though specially indorsed. Section 3-204 of the Code permits any holder, as the owner of commercial paper, to convert bearer paper to order by special indorsement and thus control the method of future negotiation until it is re-converted to bearer paper by a subsequent holder's blank indorsement.

Section 3-205 includes a conditional indorsement within the definition of restrictive indorsements. A restrictive indorsement (such as the familiar indorsement for collection) does not affect an intermediary bank taking a check in the collection process and a restrictive indorsee may be a holder in due course, to the extent that value is applied by him consistent with the indorsement.

Liability of Parties

The construction of several NIL sections by the courts has led to the imposition of liability on parties which the drafters of the Code found to be undesirable. This will be illustrated by the following examples of changes which the Code would make.

The test of whether a check is bearer or order under NIL, section 9, turns on whether the drawer intends for the named payee to receive payment; if he does it is order paper and thus may be transferred and properly paid only by a valid indorsement of the payee. This conceptual rationale sometimes leads to the result that where a drawer draws a check with the name of a payee supplied by a dishonest employee, who then indorses in that name and receives payment, the paying drawee bank may not debit the account of the drawer, since it paid an order instrument under a forged indorsement. The same result may be reached where an impostor induces the drawer to make a check payable to the person impersonated, in which case the check may be an order instrument, since the drawer intends for the named payee to receive payment. Code section 3-405 is aimed at this result, not on the bearer-order theory, but on the basis of allocation of loss, by the provision that the indorsement

under the illustrated circumstances is effective. Thus, the loss is borne by the drawer and not the paying drawee.

Code section 3-417 contains some elaborate warranty provisions in favor of a drawee by a holder on presentment for acceptance or payment while under the existing NIL sections 65 and 66 warranties run only to the holder upon transfer. Implied warranties include a warranty of all necessary indorsements and that the instrument has not been altered. These warranties are also made by prior indorsers so that the drawee or acceptor, who is entitled to recover after payment because of a forgery or alteration, is not restricted to proceeding only against the party receiving payment. Any existing doubt as to the application of the doctrine of *Price v. Neal*, which places the loss on the drawee bank who pays or accepts a forged check in favor of a holder in due course, is clearly removed by the absence of a warranty of genuineness of the drawer's signature. Section 3-418 confirms this result by making payment or acceptance final as to a holder in due course.

NIL section 15 provides that nondelivery of an incompleting instrument is a real defense available against even a holder in due course, although neither nondelivery or unauthorized completion of a delivered instrument may be asserted against a holder in due course. This is the case of the careless drawer who signs checks but does not fill in all blanks and they are stolen, filled in, and sold to a holder in due course. Code section 3-115 reverses this result by treating this as only a personal defense "when a paper whose contents at the time of signing show that it is intended to become an instrument. . ."

The requirement of timely presentment to parties who are primarily liable (drawees, makers and acceptors) and notice of dishonor in order to hold parties who are secondarily liable (indorsers and drawers) is continued under the Code. The requirement of formal protest, however, is practically eliminated as a condition to holding secondary parties liable, by limiting this requirement to a draft drawn in a foreign country upon a drawee located in the United States (3-501). The time within which a check must be presented for payment is lengthened to thirty days with respect to the liability of a drawer and, seven days after indorsement, with respect to the liability of an indorser, as a matter of presumed reasonable time (3-503). The NIL rule of complete discharge of an indorser by a

delay in presentment or notice of dishonor is preserved under the Code, but the limit of discharge to a drawer only to the extent of prejudice by such delay (usually by insolvency of the drawee during the period of delay) applies to all drawers. (3-501, 3-502). This *pro tanto* discharge of drawers does not apply under NIL section 70 to the drawer of a bill of exchange, other than a check, who is fully discharged. Nor does it apply to makers of a note payable "at a bank," or acceptors of a bill where the acceptance is payable "at a bank" who are not discharged at all.

Discharge

The grounds for discharge under the Code are similar to the NIL, except that section 3-601 of the Code makes it clear that discharge applies only to the parties to the instrument (and not to the instrument itself) in order to remove the implication that an act which constitutes a discharge may create a defense to a holder in due course. One substantial change relates to discharge by payment which, under NIL section 119, requires payment "in due course." NIL section 88 defines this as payment "without notice that his title was defective" even though the payor had no way of knowing whether the assertion of an adverse claim is valid. Code section 3-603 changes this by permitting this discharge by payment to the holder, despite knowledge of an adverse claim (thus preserving the payor's credit standing) unless the adverse claimant supplies indemnity. This is further qualified by not including payment to a thief or in a manner inconsistent with a restrictive indorsement.

ARTICLE 4

BANK DEPOSITS AND COLLECTIONS

Attempts at codification of the law governing the bank collection process have had a turbulent past. The National Conference of Commissioners on Uniform State Laws made an effort to draft a uniform act, but it met with such opposition from bankers that it was never enacted into law in any jurisdiction. A Bank Collection Code was drafted under the auspices of the American Bankers' Association, and therefore cannot be called a "Uniform Act" in the usual sense. This "ABA Code" was passed in a number of states shortly after it was drafted, including South Carolina, which enacted it in 1930. The enthusiasm for this legislation was slowed down by criticism that it was unfairly weighed in favor of banks and against

their depositors, that it was poorly drafted (see *e.g.*, a series of articles in 8 Tulane Law Review 21, 236, 376), and finally by the 1935 decision of the United States Supreme Court in *Jennings v. United States Fidelity and Guaranty Co.* (294 U. S. 216), that one section was invalid as it applied to National banks.

After considerable vacillation, including an initial plan to include the bank collection material under Article 3, and a decision after the traditional cross-fire of controversy surrounding this subject to drop the subject from the Code altogether, the drafters of the Code finally decided to include a separate Article 4. This decision was based on the need for uniform rules to govern the great volume of checks which continuously flow across state lines in the bank collection process. The scope of this article encompasses practically every item, broadly defined as any instrument for the payment of money, which passes through banks for the purpose of presentment, payment or collection.

Final Payment of Checks

One of the most important problems in the bank collection process is the establishment of a precise time when a check is deemed to have been finally paid by the drawee bank. It is at that point that it is no longer possible for the drawer to stop payment, the drawer's account is charged with the amount of the check (so that his creditors may not thereafter attach these funds on deposit) the provisional credit to the account of the depositor of the check becomes irrevocable so that he may draw against that credit, drawers and indorsers of the check are discharged and the point of no return is reached so that the payor bank is accountable for the amount of the check. Code section 4-213 continues the obvious rule that the final payment occurs when the payor bank pays cash to the holder over the counter. This section further fixes definite rules for time of payment in the more usual case when a check comes to the payor from a depository bank—either directly or through an intermediary bank or through a clearing house in the collection process. The usual practice in such case is for the payor bank to give provisional credit for the item at the time of receipt reserving the right to subsequently revoke that credit if it decides that the check should not be paid. Since time is of the essence, the payor bank will be deemed to have finally paid if it takes no action to revoke the provisional credit within the period prescribed by clearing house rules (in some instances a matter of hours after receipt). When a check is sent through the mails to the

payor bank, the Code requires a revocation of the provisional credit within the "midnight deadline." This is a new term which in most cases will extend the time within which a bank must act to avoid final payment and is defined in section 4-104 as "midnight on the next banking day following the banking day on which it receives the item. . ." "Midnight deadline" is also the presumed period of time within which a collecting or intermediary bank receiving a check in the collection process must act in presenting for payment, sending notice of dishonor, etc. For the purpose of computing the commencement of the period, existing banking practice of fixing an afternoon hour no earlier than 2 p. m., as a cut-off time after which items will be considered as received on the next banking day, is recognized by Code section 4-107.

An alternative point of final payment, after which a check may not be returned, is the "posting" of the check by the payor, *i. e.*, the mechanical act of debiting the drawer's account. The point of time, after which a stop-payment order from the drawer or attachment of the account by the drawer's creditors is not effective, is established as the time of "sight posting" (4-303). In the collection process, this occurs when a clerk has placed the check in a stack to be sent to another office for final posting, and is based on the practical difficulty of preventing the payment by final posting after this time.

Relationship Between Payor Bank and Its Customer

Article 4 contains a number of rules governing the relationship between a payor bank and its customers, some of which would modify or directly change existing law or settle areas of present uncertainty. Section 4-402 recognizes the generally understood rule that a drawee bank has a duty to pay a check which is a proper order to pay, but modifies the damage rule for breach of this duty by limiting recovery to actual damages proved. When two or more checks are presented for payment at the same time and the account is insufficient to pay them all, the bank may pay in any order with impunity until the deposit is no longer sufficient to pay any one. (4-303). Present uncertainty as to the effective stop-payment orders is removed by section 4-403, which makes an oral order binding upon the bank for fourteen days and a written order effective for six months. A bank's duty to its depositor with respect to a stale check presented for payment is clarified by section 4-404, which provides that the bank may, but need not, pay a check which is presented more than six months after

its date. When the drawer of a check dies or is incompetent before it is paid, the order to pay is still effective until the banks learn of the death or incompetence and may pay for ten days after such knowledge (4-405).

Code section 4-406 continues the common law duty of a depositor to examine his bank statements and paid items and notify the bank with reasonable promptness of a forgery of his signature on a check that has been paid or any alteration, at pain of being precluded from asserting such irregularities. This section gives the drawer 14 days after the return of an item and statement to discover and notify the bank of a forgery or alteration and is estopped thereafter to assert any subsequent forgery or alteration by the same wrongdoer. In all other cases, without regard to negligence, the customer has one year from the time the statement and items are made available to him to discover and report to the bank a forgery of his signature or an alteration, and three years from such time to report a forged indorsement.

ARTICLE 5

LETTERS OF CREDIT

The commercial letter of credit has been employed principally in international trade where the foreign seller is willing to ship goods only on the credit of a known bank which promises to pay the purchase price upon the receipt of the Bill of Lading and other necessary documents. Prior to the Code, the law concerning letters of credit came from common law decisions, principally of New York, Massachusetts and California, where the bulk of foreign commerce is financed. Thus, Article 5 of the Code breaks new ground in codifying the legal rules concerning this device. The greater certainty and clarification afforded by statutory treatment may increase its use in domestic trade, where a distant seller may have the added protection of substituting the credit of a bank for that of a buyer, who may have already arranged for financing of the purchase price by the bank. The customary documentary sale, whereby the seller sends the bill of lading with a draft drawn on the buyer to a bank in the buyer's town for collection, unlike the letter of credit, does not shift the risk of non-payment from the seller to the bank.

In order to serve this essential risk shifting function, the bank is legally divorced from matters relating to the underlying contract of sale, such as the quantity and quality of the goods. Thus, under the

Code, the issuing bank's liability to pay and its entitlement to reimbursement from its customer becomes absolute upon the receipt of the documents called for (5-109). If the bank is notified prior to payment that the documents are forged or there is fraud in the transaction between the buyer and seller, the bank is given an option to honor the draft or demand for payment unless the customer has obtained a court injunction against the issuer's exercise of its option.

Normally, a bank will issue a straight letter of credit where the language "we engage with you" is used. In such form, the promise does not run to a purchaser of the draft as a holder in due course on the theory that he sees on the face that the promise runs only to the issuee. A letter of credit may, however, be made negotiable and negotiated to a holder in due course who may enforce it against the issuer regardless of any fraud in the transaction or forgery of the document (5-114).

In order to properly examine the documents and make sure that they comply with the letter of credit, the bank is given until the close of the third banking day following receipt of the documents to honor the draft. Failure to act within this time constitutes dishonor (5-112).

Upon wrongful dishonor under an irrevocable credit, the presenter may recover from the issuer the face amount of the draft, plus incidental damages recoverable by a seller under Article 2, less any amount realized from re-sale or other use of the subject matter of the transaction (5-115).

ARTICLE 6

BULK TRANSFERS

Article 6 is similar to the South Carolina Bulk Sales Act having the same purpose of protecting creditors of a merchant by voiding a bulk transfer of his merchandise out of the ordinary course of trade, unless the transferee gives notice to all known creditors of the contemplated transfer, at least ten days before he takes possession.

Coverage is extended under Code section 6-102 to include business equipment, if it is made in connection with a bulk transfer of inventory. Also, a bulk sale at auction under section 6-108 would expand existing coverage in which case the auctioneer is charged with the responsibility similar to that of a transferee of other bulk sales, where he knows the auction constitutes a bulk transfer. Failure

to comply does not affect the rights of the purchasers, but the auctioneer is personally liable to the creditors of the transferor for uncollected debts, but not exceeding the net proceeds of the auction.

ARTICLE 7

DOCUMENTS OF TITLE

Article 7 would repeal and modernize the half-century old Uniform Warehouse Receipts Act (UWRA) and the Uniform Bills of Lading Act (UBLA) integrating the statutory treatment of these documents. Some new coverage is included to cover modern shipping and storage practices, which were not contemplated by the original uniform acts, such as bonded storage required by federal or state statute, air bills and problems which arise under modern high-speed air or truck transportation. Of course, this state legislation would not affect such federal legislation dealing with interstate shipments, such as the Federal Bills of Lading Act or the Federal Carriage of Goods by Sea Act.

As under the UWRA, a warehouse receipt, by definition, must be issued by a warehouseman which does not include a person who stores his own goods (7-201). An important exception to this is found in section 7-201 which treats a receipt as a warehouse receipt when issued by a non-warehouseman under a statute requiring a bond against withdrawal.

The essential terms of the warehouse receipt are similar to those under existing law (7-202) but the Code preserves obligations of the issuer even though the document does not comply with the formal requirements. Essential terms of a Bill of Lading provided by the UBLA are omitted from the Code, but federal regulation of the forms used in interstate commerce will continue to control.

An illustration of the Code's modernization of documents of title is the newly authorized "destination bill" designed to meet the problem of high speed air transportation where the goods may arrive at the destination before the documents. This could be inconvenient where the carrier does not have storage facilities, and even more serious where the goods are perishable. To meet this problem, section 7-305 authorizes the carrier, upon receipt of the goods for shipment, wire or cable at the destination point to issue the bill. (Of course, the carrier may not issue the bill until the goods are received.) Assuming the usual documentary sale, the bill would be issued to the

buyer's bank, the seller would wire the bank a draft on the buyer, and the bank would indorse the bill to the buyer when he honors the draft.

Many of the familiar negotiable instruments rules apply where a document of title is negotiable and is taken by "due negotiation." A new requirement is that negotiation must be in the "regular course of business or financing" in order for the transferee to take free of defenses and claims of ownership to which his transferor is subject (7-501). To so qualify the person making the transfer must be a person in the trade and the nature of the transaction must be a usual and ordinary transaction in which documents are transferred.

A bona fide purchaser of an altered document of title may enforce it according to its original tenor. The same rule applies to the filling in of blanks in a bill of lading (7-306) but a bona fide purchaser may treat as authorized the filling of a blank in a negotiable warehouse receipt (7-208). This absolute liability imposed on a warehouseman for the unauthorized filling of blanks is in recognition of the unnecessary danger of executing warehouse receipts in blank. It is often necessary for carriers to execute bills of lading in blank to be filled out by various employees, and thus the consequence of improper completion of bills carries no sanction.

ARTICLE 8

INVESTMENT SECURITIES

The principal statutory law in South Carolina today governing the transfer of certificates of stock as an investment security is the Uniform Stock Transfer Act. As a type of negotiable instrument the present Uniform Negotiable Instruments Law is also applicable to bearer bonds. The Code would repeal the Uniform Stock Transfer Act and replace it with Article 8 which also separates the law of investment securities from the short-term negotiable paper of Article 3. Article 8 extends new statutory coverage to registered bonds and other types of investment paper not presently covered by any uniform act. The matter of regulation of securities under the federal and state "blue sky laws" is not dealt with by this article.

As the negotiable instruments law of securities, the basic policies of free transferability and protection to a holder are similar to those of Article 3, but without the formal prerequisites of negotiability required by the Negotiable Instruments Law and Article 3 of the

Code. Thus a bona fide purchaser of securities is similar to a holder in due course in negotiable instrument law, in that he takes free of defenses and adverse claims of ownership. Similar to the rule of forged commercial paper, no holder has a right against an issuer of a counterfeit security or one on which the validating signature is unauthorized. Under Code Section 8-205, however, an unauthorized signature is valid in favor of a good faith purchaser for value when it is of a person entrusted by the issuer with signing the security or an employee entrusted with handling the security. Code Section 8-206 follows the change in the law of commercial paper under Article 3, by protecting a purchaser for value without notice from the defense of improper completion where blanks are left upon the issue of a security.

The purchaser of commercial paper after maturity is automatically subject to all defenses under Article 3. His counterpart as a purchaser of security under Section 8-203 will be deprived of the bona fide purchaser status only where he purchases more than two years after a call for redemption or exchange, or one year after such call, if the funds or securities are available for delivery when due.

Code Section 8-104 prescribes a new formula for adjusting the rights of a holder against the issuer of an over-issue of securities, as where a stock transfer agent issues the new certificate without the surrender of a certificate for a corresponding number of shares, creating an excess of the issuer's chartered allowance. The Code rule resolves this problem by compelling the issuer to purchase shares on the market to replace the over-issue. If shares are not available from the market, the holder may obtain reimbursement at the price paid or if not purchased, at the last purchase price.

ARTICLE 9

SECURED TRANSACTIONS

Article 9 is probably the most important article of the Code since its scope reaches transactions whose intended effect is to create a security interest in personal property. Furthermore, in order to accomplish its fundamental objective of providing uniform and simplified rules governing chattel security which meet modern commercial needs, it has been necessary to introduce a number of new concepts which would more substantially change existing practice than any other article of the Code.

In limiting the area of coverage to chattel financing, Article 9 divorces itself from its ancestor, the real property mortgage. Existing state statutory expressions of local public policy regulating credit (*e. g.*, usury and small loan acts) and creating liens in favor of preferred creditors (*e. g.*, landlords and materialmen) are unaffected by this article. Also, existing federal legislation dealing with the recording of a security interest in certain types of collateral, such as airplanes, and ships and state automobile title laws, are made to fit into the scheme of Article 9 without change. The remaining aspects of secured financing law including the creation, attachment and perfection of a security interest are treated for the first time in an integrated, comprehensive and uniform way by this article.

In treating a security transaction as a single unity in which there is a conveyance of a security interest in personal property to secure the payment of a debt, Article 9 rejects any distinction based on the form or designation of the device employed, such as chattel mortgage, conditional sales agreement, trust receipt, etc. Different results are reached in some instances on functional grounds depending upon the nature of the collateral and its use. For this purpose, Section 9-109 divides all collateral into four classifications: consumer goods, used for personal purposes; equipment, used principally in business; farm products in possession of a person engaged in farming operations; and inventory held by a business enterprise for sale or materials used, consumed, or manufactured.

Consistent with this general functional rather than formal and conceptual approach, Article 9 states substantive rules without regard to the ancient controversy over whether the secured party acquires "title" to collateral or a "mere lien."

Creation of the Security Interest

In order to create or convey a security interest which is valid between the parties, a minimum of formalities are prescribed by the Code. The pledge type is recognized and requires nothing more than delivery of the collateral or documents of title which represent the goods pledged. For the creation of the more usual type of non-possessory security interest, all that is necessary is a simple security agreement signed by the debtor containing a general description of the collateral (9-203). When there is such an agreement, value is given, and the debtor has rights in the collateral, the security interest attaches in favor of the secured party (9-204).

In a modern industrial economy there is frequently an urgent need for even the most successful and solvent business enterprise to acquire working capital in order to finance the acquisition of inventory and meet current operational expenses. A financier may be willing to supply these funds only when he can acquire a valid security interest in the commercial debtor's inventory or equipment which will stand up against claims of third parties. Since inventory is frequently in a state of motion in the resale or manufacturing cycle, what is needed is an effective "floating lien" which automatically feeds the security agreement as it is acquired by the debtor. Where the collateral is business equipment which may be replaced before the loan is repaid, it is also commercially desirable for the replacements to automatically attach to the security interest.

One of the most significant accomplishments of Article 9 is that it meets these needs by expressly validating the "after-acquired-property" clause in a security agreement whereby a lien on inventory or replacement equipment attaches as it is acquired by the debtor (9-204). To complete the commercial objective of a continuing extension of credit secured by new inventory or equipment as acquired, Section 9-204 expressly validates the extension of the security interest to future advances.

The effectiveness of this inventory financing arrangement to withstand the attack of unsecured creditors directly, or through their representatives, the trustee in bankruptcy, has been in doubt ever since the 1925 United States Supreme Court decision of *Benedict v. Ratner* (268 U. S. 353) held the transaction void where the debtor was given unfettered dominion or control over the inventory collateral. Code Section 9-205 removes that doubt by rejecting the principle of *Benedict v. Ratner* as a matter of state law which should be controlling in federal bankruptcy litigation.

The validation of the "after-acquired-property" clause, as the key to effective commercial financing, does not apply to consumer goods acquired by the debtor more than ten days after the secured party gives value. This is in recognition of the social and economic objection of tying up all of the future acquisitions of an individual by such a continuing blanket lien. A similar policy decision is the basis of the limitation on crop financing to crops which become such within seven years after the security agreement is executed.

Perfection

The Code continues to recognize that for most types of collateral, perfection of the security interest against third parties—the real test of its effectiveness—may be accomplished alternatively by pledge or by record notice. The Code adopts what may be generally described as a “lien creditor race” approach. Only creditors who have obtained a lien without knowledge of the security interest and before it is perfected may defeat the security interest (9-301). As between conflicting security interests in the same collateral, priority is accorded to the first to perfect, regardless of notice, and regardless of the order of attachment. Furthermore, a bona fide purchaser of the collateral for value and without knowledge of the security interest has the right to rely on possession in the debtor and will usually take free of the unfiled security interest.

These generalizations are subject to some important exceptions and modifications which need to be outlined in order to present a clearer and more accurate picture of the Code’s approach to perfection. It should be noted that perfection is a relative term since the security interest may be perfected as to one class of third parties but not as to another.

In the context of inventory financing, it is the usual understanding of the parties that the debtor will sell his inventory in the ordinary course of business and is usually so authorized. Code Section 9-307 recognizes this commercial understanding by providing that the buyer out of inventory in the ordinary course of business takes free of the inventory financier’s security interest, even though he has knowledge of it. The proceeds received from such sale of inventory are subject to a continuing security interest in favor of the inventory financier, if perfected by express coverage in the instrument filed for record. In the event of insolvency proceedings against the debtor, the perfected security interest in proceeds which are commingled with other funds of the debtor is limited to an amount received within ten days of the institution of such insolvency proceedings (9-306). Thus, the inventory financier, who properly perfects his security interest, will be protected against the honest insolvency of the debtor, to the extent of the value of the collateral. Despite the Code’s rejection of the *Benedict Rule*, which compelled the security financier to exercise some control over the inventory collateral, some element of the policing and accounting doctrine of that case remains, in order

to avoid the loss of proceeds received by the debtor more than ten days prior to insolvency proceedings.

Where the secured party does not authorize the sale of the collateral, as where the collateral is business equipment, or in the case of crop financing, a purchaser of the collateral will take subject to the perfected security interest.

No filing is necessary in order to perfect a purchase money security interest in consumer goods and farm equipment having purchase price not in excess of \$2500. Purchases from the debtor, however, will take free of the unfilled security interest in such goods (9-302), (9-307). This treatment of consumer goods does not apply to the financing of automobiles for private use where the state's certificate of title law, eliminating the requirement of perfection by filing, would govern (9-302).

For the mechanics of perfecting a non-possessory security interest in chattel by filing, the Code borrows the concept of "notice filing" from the Uniform Trust Receipts Act (enacted in 33 states but not South Carolina) as an alternative to filing the security agreement itself. This is record or constructive notice by the filing of an abbreviated statement which need only contain the signature and address of the debtor and secured party and a general description of the types or items of the collateral. This "financing statement" device is designed principally to facilitate the perfection of a security interest in inventory where there is a continuing change in the collateral and in the amount of indebtedness. The record notice is effective for a period of five years from the time the statement is presented to the filing clerk with the fee, subject to renewal for a like term by filing a "continuation statement" (9-403).

Since this non-informative notice filing does not reveal the amount of the secured debt at any given time, Section 9-208 makes provision for the debtor to obtain a statement from the secured party of record setting out this information which may be then relied on by third parties who deal with the debtor. Whenever there is no longer an outstanding obligation, Section 9-405 places the burden on a secured party of record to send a "termination statement" to the filing officer to remove the financing statement from the record. If the secured party fails to send such a termination statement within ten days after demand by the debtor, he is liable for \$100. damages plus any loss caused to the debtor by such failure.

Where the collateral remains at rest in the possession of the debtor, the secured party may continue the present practice of filing the security agreement as a "financing statement" rather than execute the separate abbreviated statement which will usually be limited to inventory financing. In that event, the Code eliminates most of the formal and technical prerequisites to filing such as acknowledgment or witnessing. A new requirement is that the secured party must also sign the agreement as a prerequisite to effective filing in order to establish his responsibility for issuing the termination statement.

Priorities

It has been stated that priority among conflicting security interests in the same collateral is determined by the order of perfection. This is true regardless of the order in which the consideration passes—that is, the time when the secured loan is made—and regardless of actual knowledge. A most important application of this rule and the notice filing concept is the protection it affords to the inventory financier in granting maximum protection against the honest insolvency of his debtor. The financier, having determined that the debtor's property is not subject to a recorded security interest or creditor's lien, may execute and file the abbreviated financing statement containing a general description of the collateral to be covered, an after-acquired property clause and claim of proceeds, if appropriate. Thereafter, the security agreement may be executed and the money advanced, at which time the security interest in the collateral attaches, but with the effective date of perfection as of the prior time when the financing statement was filed. Even if a creditor of the debtor should acquire a lien or advance money and take a security interest in the same collateral, his interest would be subordinate to the security interest which was filed first, but which attached later. Assuming that the collateral is inventory and the secured party has authorized its sale, he may now look to the proceeds which were expressly claimed in the filed financing statement and any replacement of inventory which was covered by the after-acquired property clause, all of which were perfected as of the time of initial filing. It is apparent that the drafters of Article 9 focused their attention on this chattel financing situation and set out to accomplish this result by giving maximum protection to the diligent secured party against losses resulting from the honest insolvency of the debtor. It is also apparent that the policy objective designed to lead to this

result was to encourage the supplying of working capital, which is a vital ingredient of the expanding industrial economy.

The "first-to-perfect" rule, as the basic formula for determining the order of priorities, is subject to an important qualification where one of the competing claimants holds a purchase money security interest to secure the purchase price of newly acquired goods and the other claims the purchased collateral under an after-acquired property clause. In the context of equipment financing, if the purchase money financier perfects his security interest within ten days after the debtor receives protection in the collateral, he will have a priority claim in this collateral over the financier claiming under an after-acquired property clause (9-312(4)). This preferred treatment of the purchase money security interest constitutes an exception to the usual rule that after-acquired property feeds a security interest when acquired and is deemed perfected as of the time of the filing of the financing statement containing an after-acquired property clause. Where the collateral is inventory, the purchase money security claimant has priority over a conflicting security interest, only when he perfects before the debtor receives possession of the collateral (without benefit of the ten day grace period for filing), and only if he gives notice of his claim to the inventory financier who has previously filed a financing statement claiming the same inventory under an after-acquired property clause (9-312(3)). The reason for the additional requirement of notice in order for the purchase money financier of inventory to enjoy a priority position is to save the initial general inventory financier from the risk of continuing to make advances to the debtor under the belief that the subsequently acquired inventory continues to feed his security interest.

Several other special modifications of the first to perfect priority rule are provided for by the Code. Section 9-312(2) accords priority to a perfected security interest in crops to secure a loan given not more than three months before the crops are planted. Section 9-310 gives priority to statutory liens for services or materials, unless the statute creating the lien provides otherwise.

A security interest in personal property, which thereafter becomes a fixture by attachment to real property, takes priority over all prior security claims in the realty (9-313). Similarly, a security interest in goods which are affixed to other goods (typically a security interest in tires, subsequently installed on cars), takes priority over prior claims to the whole (9-314).

Under Section 9-315, a perfected security interest in goods, which through processing become so commingled as to lose their identity in the product or mass (*e. g.*, raw materials), continues in the product or mass. This section also covers the case where the collateral consists of components assembled into a machine and which do not lose their identity. In that case, the security interest may be continued in the product if expressly claimed in the filed financing statement; if not so claimed, the identifiable part will be treated as an accession under Section 9-314. When more than one security interest attaches to the product or mass, the secured parties share in proportion to their contribution.

Default

Part 5 of Article 9 is designed to afford greater flexibility and simplicity in the prescribed manner of liquidating the collateral on default in payment of the secured debt. This policy is balanced against the protection of the debtor's interest that the collateral will realize its fair value. This objective is expressed in Section 9-504 by the key standard for the liquidation sale that it be "commercially reasonable." Without an attempt at a specific definition of this term, certain guidelines and minimum standards are prescribed for the property disposition of the collateral by the secured party. It may be by public or private sale; with or without processing; in bulk or in parcels. Reasonable notice of the time and place of the disposition must be given to the debtor and other secured parties of record, unless the collateral is perishable, or threatens to decline speedily in value, or is of a type customarily sold on a recognized market.

Code Section 9-505 authorizes the secured party in the possession of the collateral after default to retain the collateral in satisfaction of the debt if the debtor, or any secured party of record, does not object to such written proposal within 30 days after receipt. Where the collateral is consumer goods and the debtor has paid 60% of the obligation, however, the collateral must be disposed of within 90 days after the secured party takes possession. If the secured party fails to comply with this requirement where the collateral is consumer goods, section 9-507 gives the debtor the right to recover damages in an amount no less than the total credit charge plus 10% of the debt.

Be it enacted by the General Assembly of the State of South Carolina :

ARTICLE 1

GENERAL PROVISIONS

PART 1

SHORT TITLE, CONSTRUCTION, APPLICATION AND SUBJECT MATTER OF THE ACT

SECTION 1—101. *Short Title.*

This Act shall be known and may be cited as Uniform Commercial Code.

SECTION 1—102. *Purposes; Rules of Construction; Variation by Agreement*

(1) This Act shall be liberally construed and applied to promote its underlying purposes and policies.

(2) Underlying purposes and policies of this Act are

- (a) to simplify, clarify and modernize the law governing commercial transactions;
- (b) to permit the continued expansion of commercial practices through custom, usage and agreement of the parties;
- (c) to make uniform the law among the various jurisdictions.

(3) The effect of provisions of this Act may be varied by agreement, except as otherwise provided in this Act and except that the obligations of good faith, diligence, reasonableness and care prescribed by this Act may not be disclaimed by agreement but the parties may by agreement determine the standards by which the performance of such obligations is to be measured if such standards are not manifestly unreasonable.

(4) The presence in certain provisions of this Act of the words “unless otherwise agreed” or words of similar import does not imply that the effect of other provisions may not be varied by agreement under subsection (3).

(5) In this Act unless the context otherwise requires

- (a) words in the singular number include the plural, and in the plural include the singular;
- (b) words of the masculine gender include the feminine and the neuter, and when the sense so indicates words of the neuter gender may refer to any gender.

SECTION 1—103. *Supplementary General Principles of Law Applicable.*

Unless displaced by the particular provisions of this Act, the principles of law and equity, including the law merchant and the law relative to capacity to contract, principal and agent, estoppel, fraud, misrepresentation, duress, coercion, mistake, bankruptcy, or other validating or invalidating cause shall supplement its provisions.

SECTION 1—104. *Construction Against Implicit Repeal.*

This Act being a general act intended as a unified coverage of its subject matter, no part of it shall be deemed to be impliedly repealed by subsequent legislation if such construction can reasonably be avoided.

SECTION 1—105. *Territorial Application of the Act; Parties' Power to Choose Applicable Law.*

(1) Except as provided hereafter in this section, when a transaction bears a reasonable relation to this state and also to another state or nation the parties may agree that the law either of this state or of such other state or nation shall govern their rights and duties. Failing such agreement this Act applies to transactions bearing an appropriate relation to this state.

(2) Where one of the following provisions of this Act specifies the applicable law, that provision governs and a contrary agreement is effective only to the extent permitted by the law (including the conflict of laws rules) so specified:

Rights of creditors against sold goods. Section 2—402.

Applicability of the Article on Bank Deposits and Collections.
Section 4—102.

Bulk transfers subject to the Article on Bulk Transfers. Section 6—102.

Applicability of the Article on Investment Securities. Section 8—106.

Policy and scope of the Article on Secured Transactions. Sections 9—102 and 9—103.

SECTION 1—106. *Remedies to Be Liberally Administered.*

(1) The remedies provided by this Act shall be liberally administered to the end that the aggrieved party may be put in as good a position as if the other party had fully performed but neither conse-

quantial or special nor penal damages may be had except as specifically provided in this Act or by other rule of law.

(2) Any right or obligation declared by this Act is enforceable by action unless the provision declaring it specifies a different and limited effect.

SECTION 1—107. *Waiver or Renunciation of Claim or Right After Breach.*

“Any claim or right arising out of an alleged breach can be discharged in whole or in part without consideration by waiver or renunciation.”

SECTION 1—108. *Severability.*

If any provision or clause of this Act or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

SECTION 1—109. *Section Captions.*

Section captions are parts of this Act, but the comments are not parts of the Act.

PART 2

GENERAL DEFINITIONS AND PRINCIPLES
OF INTERPRETATION

SECTION 1—201. *General Definitions.*

Subject to additional definitions contained in the subsequent Articles of this Act which are applicable to specific Articles or Parts thereof, and unless the context otherwise requires, in this Act:

(1) “Action” in the sense of a judicial proceeding includes recoupment, counterclaim, set-off, suit in equity and any other proceedings in which rights are determined.

(2) “Aggrieved party” means a party entitled to resort to a remedy.

(3) “Agreement” means the bargain of the parties in fact as found in their language or by implication from other circumstances including course of dealing or usage of trade or course of performance as provided in this Act (Sections 1—205 and 2—208). Whether an agreement has legal consequences is determined by the provisions

of this Act, if applicable; otherwise by the law of contracts (Section 1—103). (Compare “Contract”.)

(4) “Bank” means any person engaged in the business of banking.

(5) “Bearer” means the person in possession of an instrument, document of title, or security payable to bearer or indorsed in blank.

(6) “Bill of lading” means a document evidencing the receipt of goods for shipment issued by a person engaged in the business of transporting or forwarding goods, and includes an airbill. “Airbill” means a document serving for air transportation as a bill of lading does for marine or rail transportation, and includes an air consignment note or air waybill.

(7) “Branch” includes a separately incorporated foreign branch of a bank.

(8) “Burden of establishing” a fact means the burden of persuading the triers of fact that the existence of the fact is more probable than its non-existence.

(9) “Buyer in ordinary course of business” means a person who in good faith and without knowledge that the sale to him is in violation of the ownership rights or security interest of a third party in the goods buys in ordinary course from a person in the business of selling goods of that kind but does not include a pawnbroker. “Buying” may be for cash or by exchange of other property or on secured or unsecured credit and includes receiving goods or documents of title under a pre-existing contract for sale but does not include a transfer in bulk or as security for or in total or partial satisfaction of a money debt.

(10) “Conspicuous”: A term or clause is conspicuous when it is so written that a reasonable person against whom it is to operate ought to have noticed it. A printed heading in capitals (as: NON-NEGOTIABLE BILL OF LADING) is conspicuous. Language in the body of a form is “conspicuous” if it is in larger or other contrasting type or color. But in a telegram any stated term is “conspicuous”. Whether a term or clause is “conspicuous” or not is for decision by the court.

(11) “Contract” means the total legal obligation which results from the parties’ agreement as affected by this Act and any other applicable rules of law. (Compare “Agreement”).

(12) “Creditor” includes a general creditor, a secured creditor, a lien creditor and any representative of creditors, including an assignee for the benefit of creditors, a trustee in bankruptcy, a receiver

in equity and an executor or administrator of an insolvent debtor's or assignor's estate.

(13) "Defendant" includes a person in the position of defendant in a cross-action or counterclaim.

(14) "Delivery" with respect to instruments, documents of title, chattel paper or securities means voluntary transfer of possession.

(15) "Document of title" includes bill of lading, dock warrant, dock receipt, warehouse receipt or order for the delivery of goods, and also any other document which in the regular course of business or financing is treated as adequately evidencing that the person in possession of it is entitled to receive, hold and dispose of the document and the goods it covers. To be a document of title a document must purport to be issued by or addressed to a bailee and purport to cover goods in the bailee's possession which are either identified or are fungible portions of an identified mass.

(16) "Fault" means wrongful act, omission or breach.

(17) "Fungible" with respect to goods or securities means goods or securities of which any unit is, by nature or usage of trade, the equivalent of any other like unit. Goods which are not fungible shall be deemed fungible for the purposes of this Act to the extent that under a particular agreement or document unlike units are treated as equivalents.

(18) "Genuine" means free of forgery or counterfeiting.

(19) "Good faith" means honesty in fact in the conduct or transaction concerned.

(20) "Holder" means a person who is in possession of a document of title or an instrument or an investment security drawn, issued or indorsed to him or to his order or to bearer or in blank.

(21) To "honor" is to pay or to accept and pay, or where a credit so engages to purchase or discount a draft complying with the terms of the credit.

(22) "Insolvency proceedings" includes any assignment for the benefit of creditors or other proceedings intended to liquidate or rehabilitate the estate of the person involved.

(23) A person is "insolvent" who either ceased to pay his debts in the ordinary course of business or cannot pay his debts as they become due or is insolvent within the meaning of the federal bankruptcy law.

(24) "Money" means a medium of exchange authorized or adopted by a domestic or foreign government as a part of its currency.

(25) A person has "notice" of a fact when

(a) he has actual knowledge of it; or

(b) he has received a notice or notification of it; or

(c) from all the facts and circumstances known to him at the time in question he has reason to know that it exists.

A person "knows" or has "knowledge" of a fact when he has actual knowledge of it. "Discover" or "learn" or a word or phrase of similar import refers to knowledge rather than to reason to know. The time and circumstances under which a notice or notification may cease to be effective are not determined by this Act.

(26) A person "notifies" or "gives" a notice or notification to another by taking such steps as may be reasonably required to inform the other in ordinary course whether or not such other actually comes to know of it. A person "receives" a notice or notification when

(a) it comes to his attention; or

(b) it is duly delivered at the place of business through which the contract was made or at any other place held out by him as the place for receipt of such communications.

(27) Notice, knowledge or a notice or notification received by an organization is effective for a particular transaction from the time when it is brought to the attention of the individual conducting that transaction, and in any event from the time when it would have been brought to his attention if the organization had exercised due diligence. An organization exercises due diligence if it maintains reasonable routines for communicating significant information to the person conducting the transaction and there is reasonable compliance with the routines. Due diligence does not require an individual acting for the organization to communicate information unless such communication is part of his regular duties or unless he has reason to know of the transaction and that the transaction would be materially affected by the information.

(28) "Organization" includes a corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, two or more persons having a joint or common interest, or any other legal or commercial entity.

(29) "Party", as distinct from "third party", means a person who has engaged in a transaction or made an agreement within this Act.

(30) "Person" includes an individual or an organization (See Section 1—102).

(31) "Presumption" or "presumed" means that the trier of fact must find the existence of the fact presumed unless and until evidence is introduced which would support a finding of its non-existence.

(32) "Purchase" includes taking by sale, discount, negotiation, mortgage, pledge, lien, issue or re-issue, gift or any other voluntary transaction creating an interest in property.

(33) "Purchaser" means a person who takes by purchase.

(34) "Remedy" means any remedial right to which an aggrieved party is entitled with or without resort to a tribunal.

(35) "Representative" includes an agent, an officer of a corporation or association, and a trustee, executor or administrator of an estate, or any other person empowered to act for another.

(36) "Rights" includes remedies.

(37) "Security interest" means an interest in personal property or fixtures which secures payment or performance of an obligation. The retention or reservation of title by a seller of goods notwithstanding shipment or delivery to the buyer (Section 2—401) is limited in effect to a reservation of a "security interest". The term also includes any interest of a buyer of accounts, chattel paper, or contract rights which is subject to Article 9. The special property interest of a buyer of goods on identification of such goods to a contract for sale under Section 2—401 is not a "security interest", but a buyer may also acquire a "security interest" by complying with Article 9. Unless a lease or consignment is intended as security, reservation of title thereunder is not a "security interest" but a consignment is in any event subject to the provisions on consignment sales (Section 2—326). Whether a lease is intended as security is to be determined by the facts of each case; however, (a) the inclusion of an option to purchase does not of itself make the lease one intended for security, and (b) an agreement that upon compliance with the terms of the lease the lessee shall become or has the option to become the owner of the property for no additional consideration or for a nominal consideration does make the lease one intended for security.

(38) "Send" in connection with any writing or notice means to deposit in the mail or deliver for transmission by any other usual means of communication with postage or cost of transmission pro-

vided for and properly addressed and in the case of an instrument to an address specified thereon or otherwise agreed, or if there be none to any address reasonable under the circumstances. The receipt of any writing or notice within the time at which it would have arrived if properly sent has the effect of a proper sending.

(39) "Signed" includes any symbol executed or adopted by a party with present intention to authenticate a writing.

(40) "Surety" includes guarantor.

(41) "Telegram" includes a message transmitted by radio, teletype, cable, any mechanical method of transmission, or the like.

(42) "Term" means that portion of an agreement which relates to a particular matter.

(43) "Unauthorized" signature or indorsement means one made without actual, implied or apparent authority and includes a forgery.

(44) "Value". Except as otherwise provided with respect to negotiable instruments and bank collections (Sections 3—303, 4—208 and 4—209) a person gives "value" for rights if he acquires them

- (a) in return for a binding commitment to extend credit or for the extension of immediately available credit whether or not drawn upon and whether or not a charge-back is provided for in the event of difficulties in collection; or
- (b) as security for or in total or partial satisfaction of a pre-existing claim; or
- (c) by accepting delivery pursuant to a pre-existing contract for purchase; or
- (d) generally, in return for any consideration sufficient to support a simple contract.

(45) "Warehouse receipt" means a receipt issued by a person engaged in the business of storing goods for hire.

(46) "Written" or "writing" includes printing, typewriting or any other intentional reduction to tangible form.

SECTION 1—202. *Prima Facie Evidence by Third Party Documents.*

A document in due form purporting to be a bill of lading, policy or certificate of insurance, official weigher's or inspector's certificate, consular invoice, or any other document authorized or required by the contract to be issued by a third party shall be prima facie evidence of its own authenticity and genuineness and of the facts stated in the document by the third party.

SECTION 1—203. *Obligation of Good Faith.*

Every contract or duty within this Act imposes an obligation of good faith in its performance or enforcement.

SECTION 1—204. *Time; Reasonable Time; "Seasonably".*

(1) Whenever this Act requires any action to be taken within a reasonable time, any time which is not manifestly unreasonable may be fixed by agreement.

(2) What is a reasonable time for taking any action depends on the nature, purpose and circumstances of such action.

(3) An action is taken "seasonably" when it is taken at or within the time agreed or if no time is agreed at or within a reasonable time.

SECTION 1—205. *Course of Dealing and Usage of Trade.*

(1) A course of dealing is a sequence of previous conduct between the parties to a particular transaction which is fairly to be regarded as establishing a common basis of understanding for interpreting their expressions and other conduct.

(2) A usage of trade is any practice or method of dealing having such regularity of observance in a place, vocation or trade as to justify an expectation that it will be observed with respect to the transaction in question. The existence and scope of such a usage are to be proved as facts. If it is established that such a usage is embodied in a written trade code or similar writing the interpretation of the writing is for the court.

(3) A course of dealing between parties and any usage of trade in the vocation or trade in which they are engaged or of which they are or should be aware give particular meaning to and supplement or qualify terms of an agreement.

(4) The express terms of an agreement and an applicable course of dealing or usage of trade shall be construed wherever reasonable as consistent with each other; but when such construction is unreasonable express terms control both course of dealing and usage of trade and course of dealing controls usage of trade.

(5) An applicable usage of trade in the place where any part of performance is to occur shall be used in interpreting the agreement as to that part of the performance.

(6) Evidence of a relevant usage of trade offered by one party is not admissible unless and until he has given the other party such

notice as the court finds sufficient to prevent unfair surprise to the latter.

SECTION 1—206. *Statute of Frauds for Kinds of Personal Property Not Otherwise Covered.*

(1) Except in the cases described in subsection (2) of this section a contract for the sale of personal property is not enforceable by way of action or defense beyond five thousand dollars in amount or value of remedy unless there is some writing which indicates that a contract for sale been made between the parties at a defined or stated price, reasonably identifies the subject matter, and is signed by the party against whom enforcement is sought or by his authorized agent.

(2) Subsection (1) of this section does not apply to contracts for the sale of goods (Section 2—201) nor of securities (Section 8—319) nor to security agreements (Section 9—203).

SECTION 1—207. *Performance or Acceptance Under Reservation of Rights.*

A party who with explicit reservation of rights performs or promises performance or assents to performance in a manner demanded or offered by the other party does not thereby prejudice the rights reserved. Such words as “without prejudice”, “under protest” or the like are sufficient.

SECTION 1—208. *Option to Accelerate at Will.*

A term providing that one party or his successor in interest may accelerate payment or performance or require collateral or additional collateral “at will” or “when he deems himself insecure” or in words of similar import shall be construed to mean that he shall have power to do so only if he in good faith believes that the prospect of payment or performance is impaired. The burden of establishing lack of good faith is on the party against whom the power has been exercised.

ARTICLE 2

SALES

Introduction

For the majority of American jurisdictions which had enacted the Sales Act, Article 2 would be a modernized revision of that half-century old Act. Indeed, this Article began as a proposed replacement of the Uniform Sales Act until the decision was made to draft a com-

prehensive codification of commercial law. For South Carolina, Article 2 would break new ground by providing general statutory coverage of sales law for the first time.

When compared with most of the other articles of the Code, Article 2 would result in a proportionately greater change of existing law. This is due in part to the fact that sales practices have experienced more changes in the past few decades. Consistent with the basic approach of the Code to bring legal rules in closer harmony with commercial practice, this changing environment requires changing legal rules if this objective is to be accomplished. Other changes are based on an abandonment of a conceptual approach in favor of a more functional one in the formation of the rules of this Article. An outstanding example is the elimination of "title passing" as a solution to a number of important questions. Also several changes in the rules dealing with remedies for breach of a sales contract in favor of more liberal relief may be explained by the Code's approach of imposing a greater degree of responsibility for performance on the parties. These generalities should become more meaningful with an examination of the sections in Article 2.

Since the approach of this study is to analyze each section of the Code and compare it with South Carolina law, only incidental reference will be made to the Uniform Sales Act when it appears to reflex the probable South Carolina common law. The main emphasis for comparative purposes continues to be on the South Carolina cases where available.

ARTICLE 2

SALES

PART 1

SHORT TITLE, GENERAL CONSTRUCTION AND SUBJECT MATTER

SECTION 2—101. *Short Title.*

This Article shall be known and may be cited as Uniform Commercial Code—Sales.

SECTION 2—102. *Scope; Certain Security and Other Transactions Excluded From This Article.*

Unless the context otherwise requires, this Article applies to transactions in goods; it does not apply to any transaction which although

in the form of an unconditional contract to sell or present sale is intended to operate only as a security transaction nor does this Article impair or repeal any statute regulating sales to consumers, farmers or other specified classes of buyers.

SECTION 2—103. *Definitions and Index of Definitions.*

(1) In this Article unless the context otherwise requires:

- (a) "Buyer" means a person who buys or contracts to buy goods.
- (b) "Good faith" in the case of a merchant means honesty in fact and the observance of reasonable commercial standards of fair dealing in the trade.
- (c) "Receipt" of goods means taking physical possession of them.
- (d) "Seller" means a person who sells or contracts to sell goods.

(2) Other definitions applying to this Article or to specified Parts thereof, and the sections in which they appear are:

- "Acceptance". Section 2—606.
- "Banker's credit". Section 2—325.
- "Between merchants". Section 2—104.
- "Cancellation". Section 2—106(4).
- "Commercial unit". Section 2—105.
- "Confirmed credit". Section 2—325.
- "Conforming to contract". Section 2—106.
- "Contract for sale". Section 2-106.
- "Cover". Section 2—712.
- "Entrusting". Section 2—403.
- "Financing agency". Section 2—104.
- "Future goods". Section 2—105.
- "Goods". Section 2—105.
- "Identification". Section 2—501.
- "Installment contract". Section 2—612.
- "Letter of Credit". Section 2—325.
- "Lot". Section 2—105.
- "Merchant". Section 2—104.
- "Overseas". Section 2—323.
- "Person in position of seller". Section 2—707.
- "Present sale". Section 2—106.
- "Sale". Section 2—106.

“Sale on approval”. Section 2—326.

“Sale or return”. Section 2—326.

“Termination”. Section 2—106.

(3) The following definitions in other Articles apply to this Article:

“Check”. Section 3—104.4

“Consignee”. Section 7—102.

“Consignor”. Section 7—102.

“Consumer goods”. Section 9—109.

“Dishonor”. Section 3—507.

“Draft”. Section 3—104.

(4) In addition Article 1 contains general definitions and principles of construction and interpretation applicable throughout this Article.

SECTION 2—104. *Definitions: “Merchant”; “Between Merchants”; “Financing Agency”.*

(1) “Merchant” means a person who deals in goods of the kind or otherwise by his occupation holds himself out as having knowledge or skill peculiar to the practices or goods involved in the transaction or to whom such knowledge or skill may be attributed by his employment of an agent or broker or other intermediary who by his occupation holds himself out as having such knowledge or skill.

(2) “Financing agency” means a bank, finance company or other person who in the ordinary course of business makes advances against goods or documents of title or who by arrangement with either the seller or the buyer intervenes in ordinary course to make or collect payment due or claimed under the contract for sale, as by purchasing or paying the seller’s draft or making advances against it or by merely taking it for collection whether or not documents of title accompany the draft. “Financing agency” includes also a bank or other person who similarly intervenes between persons who are in the position of seller and buyer in respect to the goods (Section 2—707).

(3) “Between merchants” means in any transaction with respect to which both parties are chargeable with the knowledge or skill of merchants.

SECTION 2—105. *Definitions: Transferability; "Goods"; "Future" Goods; "Lot"; "Commercial Unit".*

(1) "Goods" means all things (including specially manufactured goods) which are movable at the time of identification to the contract for sale other than the money in which the price is to be paid, investment securities (Article 8) and things in action, "Goods" also includes the unborn young of animals and growing crops and other identified things attached to realty as described in the section on goods to be severed from realty (Section 2—107).

(2) Goods must be both existing and identified before any interest in them can pass. Goods which are not both existing and identified are "future" goods. A purported present sale of future goods or of any interest therein operates as a contract to sell.

(3) There may be a sale of a part interest in existing identified goods.

(4) An undivided share in an identified bulk of fungible goods is sufficiently identified to be sold although the quantity of the bulk is not determined. Any agreed proportion of such a bulk or any quantity thereof agreed upon by number, weight or other measure may to the extent of the seller's interest in the bulk be sold to the buyer who then becomes an owner in common.

(5) "Lot" means a parcel or a single article which is the subject matter of a separate sale or delivery, whether or not it is sufficient to perform the contract.

(6) "Commercial unit" means such a unit of goods as by commercial usage is a single whole for purposes of sale and division of which materially impairs its character or value on the market or in use. A commercial unit may be a single article (as a machine) or a set of articles (as a suite of furniture or an assortment of sizes) or a quantity (as a bale, gross, or carload) or any other unit treated in use or in the relevant market as a single whole.

SECTION 2—106. *Definitions: "Contract"; "Agreement"; "Contract for Sale"; "Sale"; "Present Sale"; "Conforming to Contract"; "Termination"; "Cancellation".*

(1) In this Article unless the context otherwise requires "contract" and "agreement" are limited to those relating to the present or future sale of goods. "Contract for sale" includes both a present

sale of goods and a contract to sell goods at a future time. A "sale" consists in the passing of title from the seller to the buyer for a price (Section 2—401). A "present sale" means a sale which is accomplished by the making of the contract.

(2) Goods or conduct including any part of a performance are "conforming" or conform to the contract when they are in accordance with the obligations under the contract.

(3) "Termination" occurs when either party pursuant to a power created by agreement or law puts an end to the contract otherwise than for its breach. On "termination" all obligations which are still executory on both sides are discharged but any right based on prior breach or performance survives.

(4) "Cancellation" occurs when either party puts an end to the contract for breach by the other and its effect is the same as that of "termination" except that the cancelling party also retains any remedy for breach of the whole contract or any unperformed balance.

SECTION 2—107. *Goods to Be Severed From Realty: Recording.*

(1) A contract for the sale of timber, minerals or the like or a structure or its materials to be removed from realty is a contract for the sale of goods within this Article if they are to be severed by the seller but until severance a purported present sale thereof which is not effective as a transfer of an interest in land is effective only as a contract to sell.

(2) A contract for the sale apart from the land of growing crops or other things attached to realty and capable of severance without material harm thereto but not described in subsection (1) is a contract for the sale of goods within this Article whether the subject matter is to be severed by the buyer or by the seller even though it forms part of the realty at the time of contracting, and the parties can by identification effect a present sale before severance.

(3) The provisions of this section are subject to any third party rights provided by the law relating to realty records, and the contract for sale may be executed and recorded as a document transferring an interest in land and shall then constitute notice to third parties of the buyer's rights under the contract for sale.

PART 2

FORM, FORMATION AND READJUSTMENT
OF CONTRACTSECTION 2—201. *Formal Requirements; Statute of Frauds.*

(1) Except as otherwise provided in this section a contract for the sale of goods for the price of \$500 or more is not enforceable by way of action or defense unless there is some writing sufficient to indicate that a contract for sale has been made between the parties and signed by the party against whom enforcement is sought or by his authorized agent or broker. A writing is not insufficient because it omits or incorrectly states a term agreed upon but the contract is not enforceable under this paragraph beyond the quantity of goods shown in such writing.

(2) Between merchants if within a reasonable time a writing in confirmation of the contract and sufficient against the sender is received and the party receiving it has reason to know its contents, it satisfies the requirements of subsection (1) against such party unless written notice of objection to its contents is given within ten days after it is received.

(3) A contract which does not satisfy the requirements of subsection (1) but which is valid in other respects is enforceable

- (a) if the goods are to be specially manufactured for the buyer and are not suitable for sale to others in the ordinary course of the seller's business and the seller, before notice of repudiation is received and under circumstances which reasonably indicate that the goods are for the buyer, has made either a substantial beginning of their manufacture or commitments for their procurement; or
- (b) if the party against whom enforcement is sought admits in his pleading, testimony or otherwise in court that a contract for sale was made, but the contract is not enforceable under this provision beyond the quantity of goods admitted; or
- (c) with respect to goods for which payment has been made and accepted or which have been received and accepted (Sec. 2—606).

SECTION 2—202. *Final Written Expression: Parol or Extrinsic Evidence.*

Terms with respect to which the confirmatory memoranda of the parties agree or which are otherwise set forth in a writing intended

by the parties as a final expression of their agreement with respect to such terms as are included therein may not be contradicted by evidence of any prior agreement or of a contemporaneous oral agreement but may be explained or supplemented

- (a) by course of dealing or usage of trade (Section 1—205) or by course of performance (Section 2—208); and
- (b) by evidence of consistent additional terms unless the court finds the writing to have been intended also as a complete and exclusive statement of the terms of the agreement.

SECTION 2—203. *Seals Inoperative.*

The affixing of a seal to a writing evidencing a contract for sale or an offer to buy or sell goods does not constitute the writing a sealed instrument and the law with respect to sealed instruments does not apply to such a contract or offer.

SECTION 2—204. *Formation in General.*

(1) A contract for sale of goods may be made in any manner sufficient to show agreement, including conduct by both parties which recognizes the existence of such a contract.

(2) An agreement sufficient to constitute a contract for sale may be found even though the moment of its making is undetermined.

(3) Even though one or more terms are left open a contract for sale does not fail for indefiniteness if the parties have intended to make a contract and there is a reasonably certain basis for giving an appropriate remedy.

SECTION 2—205. *Firm Offers.*

An offer by a merchant to buy or sell goods in a signed writing which by its terms gives assurance that it will be held open is not revocable, for lack of consideration, during the time stated or if no time is stated for a reasonable time, but in no event may such period of irrevocability exceed three months; but any such term of assurance on a form supplied by the offeree must be separately signed by the offeror.

SECTION 2—206. *Offer and Acceptance in Formation of Contract.*

(1) Unless otherwise unambiguously indicated by the language or circumstances

- (a) an offer to make a contract shall be construed as inviting acceptance in any manner and by any medium reasonable in the circumstances;

- (b) an order or other offer to buy goods for prompt or current shipment shall be construed as inviting acceptance either by a prompt promise to ship or by the prompt or current shipment of conforming or non-conforming goods, but such a shipment of non-conforming goods does not constitute an acceptance if the seller seasonably notifies the buyer that the shipment is offered only as an accommodation to the buyer.

(2) Where the beginning of a requested performance is a reasonable mode of acceptance an offeror who is not notified of acceptance within a reasonable time may treat the offer as having lapsed before acceptance.

SECTION 2—207. *Additional Terms in Acceptance or Confirmation.*

(1) A definite and seasonable expression of acceptance or a written confirmation which is sent within a reasonable time operates as an acceptance even though it states terms additional to or different from those offered or agreed upon, unless acceptance is expressly made conditional on assent to the additional or different terms.

(2) The additional terms are to be construed as proposals for addition to the contract. Between merchants such terms become part of the contract unless:

- (a) the offer expressly limits acceptance to the terms of the offer;
- (b) they materially alter it; or
- (c) notification of objection to them has already been given or is given within a reasonable time after notice of them is received.

(3) Conduct by both parties which recognizes the existence of a contract is sufficient to establish a contract for sale although the writings of the parties do not otherwise establish a contract. In such case the terms of the particular contract consist of those terms on which the writings of the parties agree, together with any supplementary terms incorporated under any other provisions of this Act.

SECTION 2—208. *Course of Performance or Practical Construction.*

(1) Where the contract for sale involves repeated occasions for performance by either party with knowledge of the nature of the performance and opportunity for objection to it by the other, any course of performance accepted or acquiesced in without objection shall be relevant to determine the meaning of the agreement.

(2) The express terms of the agreement and any such course of performance, as well as any course of dealing and usage of trade, shall be construed whenever reasonable as consistent with each other; but when such construction is unreasonable, express terms shall control course of performance and course of performance shall control both course of dealing and usage of trade (Section 1—205).

(3) Subject to the provisions of the next section on modification and waiver, such course of performance shall be relevant to show a waiver or modification of any term inconsistent with such course of performance.

SECTION 2—209. *Modification, Rescission and Waiver.*

(1) An agreement modifying a contract within this Article needs no consideration to be binding.

(2) A signed agreement which excludes modification or rescission except by a signed writing cannot be otherwise modified or rescinded, but except as between merchants such a requirement on a form supplied by the merchant must be separately signed by the other party.

(3) The requirements of the statute of frauds section of this Article (Section 2—201) must be satisfied if the contract as modified is within its provisions.

(4) Although an attempt at modification or rescission does not satisfy the requirements of subsection (2) or (3) it can operate as a waiver.

(5) A party who has made a waiver affecting an executory portion of the contract may retract the waiver by reasonable notification received by the other party that strict performance will be required of any term waived, unless the retraction would be unjust in view of a material change of position in reliance on the waiver.

SECTION 2—210. *Delegation of Performance; Assignment of Rights.*

(1) A party may perform his duty through a delegate unless otherwise agreed or unless the other party has a substantial interest in having his original promisor perform or control the acts required by the contract. No delegation of performance relieves the party delegating of any duty to perform or any liability for breach.

(2) Unless otherwise agreed all rights of either seller or buyer can be assigned except where the assignment would materially change

the duty of the other party, or increase materially the burden or risk imposed on him by his contract, or impair materially his chance of obtaining return performance. A right to damages for breach of the whole contract or a right arising out of the assignor's due performance of his entire obligation can be assigned despite agreement otherwise.

(3) Unless the circumstances indicate the contrary a prohibition of assignment of "the contract" is to be construed as barring only the delegation to the assignee of the assignor's performance.

(4) An assignment of "the contract" or of "all my rights under the contract" or an assignment in similar general terms is an assignment of rights and unless the language or the circumstances (as in an assignment for security) indicate the contrary, it is a delegation of performance of the duties of the assignor and its acceptance by the assignee constitutes a promise by him to perform those duties. This promise is enforceable by either the assignor or the other party to the original contract.

(5) The other party may treat any assignment which delegates performance as creating reasonable grounds for insecurity and may without prejudice to his rights against the assignor demand assurances from the assignee (Section 2—609).

PART 3

GENERAL OBLIGATION AND CONSTRUCTION OF CONTRACT

SECTION 2—301. *General Obligations of Parties.*

The obligation of the seller is to transfer and deliver and that of the buyer is to accept and pay in accordance with the contract.

SECTION 2—302. *Unconscionable Contract or Clause.*

(1) If the court as a matter of law finds the contract or any clause of the contract to have been unconscionable at the time it was made the court may refuse to enforce the contract, or it may enforce the remainder of the contract without the unconscionable clause, or it may so limit the application of any unconscionable clause as to avoid any unconscionable result.

(2) When it is claimed or appears to the court that the contract or any clause thereof may be unconscionable the parties shall be

afforded a reasonable opportunity to present evidence as to its commercial setting, purpose and effect to aid the court in making the determination.

SECTION 2—303. *Allocation or Division of Risks.*

Where this Article allocates a risk or a burden as between the parties “unless otherwise agreed”, the agreement may not only shift the allocation but may also divide the risk or burden.

SECTION 2—304. *Price Payable in Money, Goods, Realty, or Otherwise.*

(1) The price can be made payable in money or otherwise. If it is payable in whole or in part in goods each party is a seller of the goods which he is to transfer.

(2) Even though all or part of the price is payable in an interest in realty the transfer of the goods and the seller’s obligations with reference to them are subject to this Article, but not the transfer of the interest in realty or the transferor’s obligations in connection therewith.

SECTION 2—305. *Open Price Term.*

(1) The parties if they so intend can conclude a contract for sale even though the price is not settled. In such a case the price is a reasonable price at the time for delivery if

- (a) nothing is said as to price; or
- (b) the price is left to be agreed by the parties and they fail to agree; or
- (c) the price is to be fixed in terms of some agreed market or other standard as set or recorded by a third person or agency and it is not so set or recorded.

(2) A price to be fixed by the seller or by the buyer means a price for him to fix in good faith.

(3) When a price left to be fixed otherwise than by agreement of the parties fails to be fixed through fault of one party the other may at his option treat the contract as cancelled or himself fix a reasonable price.

(4) Where, however, the parties intend not to be bound unless the price be fixed or agreed and it is not fixed or agreed there is no contract. In such a case the buyer must return any goods already received or if unable so to do must pay their reasonable value at

the time of delivery and the seller must return any portion of the price paid on account.

SECTION 2—306. *Output, Requirements and Exclusive Dealings.*

(1) A term which measures the quantity by the output of the seller or the requirements of the buyer means such actual output or requirements as may occur in good faith, except that no quantity unreasonably disproportionate to any stated estimate or in the absence of a stated estimate to any normal or otherwise comparable prior output or requirements may be tendered or demanded.

(2) A lawful agreement by either the seller or the buyer for exclusive dealing in the kind of goods concerned imposes unless otherwise agreed an obligation by the seller to use best efforts to supply the goods and by the buyer to use best efforts to promote their sale.

SECTION 2—307. *Delivery in Single Lot or Several Lots.*

Unless otherwise agreed all goods called for by a contract for sale must be tendered in a single delivery and payment is due only on such tender but where the circumstances give either party the right to make or demand delivery in lots the price if it can be apportioned may be demanded for each lot.

SECTION 2—308. *Absence of Specified Place for Delivery.*

Unless otherwise agreed

- (a) the place for delivery of goods is the seller's place of business or if he has none his residence; but
- (b) in a contract for sale of identified goods which to the knowledge of the parties at the time of contracting are in some other place, that place is the place for their delivery; and
- (c) documents of title may be delivered through customary banking channels.

SECTION 2—309. *Absence of Specific Time Provisions; Notice of Termination.*

(1) The time for shipment or delivery or any other action under a contract if not provided in this Article or agreed upon shall be a reasonable time.

(2) Where the contract provides for successive performances but is indefinite in duration it is valid for a reasonable time but unless otherwise agreed may be terminated at any time by either party.

(3) Termination of a contract by one party except on the happening of an agreed event requires that reasonable notification be received by the other party and an agreement dispensing with notification is invalid if its operation would be unconscionable.

SECTION 2—310. *Open Time for Payment or Running of Credit; Authority to Ship Under Reservation.*

Unless otherwise agreed

- (a) payment is due at the time and place at which the buyer is to receive the goods even though the place of shipment is the place of delivery; and
- (b) if the seller is authorized to send the goods he may ship them under reservation, and may tender the documents of title, but the buyer may inspect the goods after their arrival before payment is due unless such inspection is inconsistent with the terms of the contract (Section 2—513); and
- (c) if delivery is authorized and made by way of documents of title otherwise than by subsection (b) then payment is due at the time and place at which the buyer is to receive the documents regardless of where the goods are to be received; and
- (d) where the seller is required or authorized to ship the goods on credit the credit period runs from the time of shipment but post-dating the invoice or delaying its dispatch will correspondingly delay the starting of the credit period.

SECTION 2—311. *Options and Cooperation Respecting Performance.*

(1) An agreement for sale which is otherwise sufficiently definite (subsection (3) of Section 2—204) to be a contract is not made invalid by the fact that it leaves particulars of performance to be specified by one of the parties. Any such specification must be made in good faith and within limits set by commercial reasonableness.

(2) Unless otherwise agreed specifications relating to assortment of the goods are at the buyer's option and except as otherwise provided in subsections (1) (c) and (3) of Section 2—319 specifications or arrangements relating to shipment are at the seller's option.

(3) Where such specification would materially affect the other party's performance but is not seasonably made or where one party's

cooperation is necessary to the agreed performance of the other but is not seasonably forthcoming, the other party in addition to all other remedies

- (a) is excused for any resulting delay in his own performance; and
- (b) may also either proceed to perform in any reasonable manner or after the time for a material part of his own performance treat the failure to specify or to cooperate as a breach by failure to deliver or accept the goods.

WARRANTY SECTIONS

SECTION 2—312. *Warranty of Title and Against Infringement; Buyer's Obligation Against Infringement.*

(1) Subject to subsection (2) there is in a contract for sale a warranty by the seller that

- (a) the title conveyed shall be good, and its transfer rightful; and
- (b) the goods shall be delivered free from any security interest or other lien or encumbrance of which the buyer at the time of contracting has no knowledge.

(2) A warranty under subsection (1) will be excluded or modified only by specific language or by circumstances which give the buyer reason to know that the person selling does not claim title in himself or that he is purporting to sell only such right or title as he or a third person may have.

(3) Unless otherwise agreed a seller who is a merchant regularly dealing in goods of the kind warrants that the goods shall be delivered free of the rightful claim of any third person by way of infringement or the like but a buyer who furnishes specifications to the seller must hold the seller harmless against any such claim which arises out of compliance with the specifications.

SECTION 2—313. *Express Warranties by Affirmation, Promise, Description, Sample.*

(1) Express warranties by the seller are created as follows:

- (a) Any affirmation of fact or promise, including those on containers or labels, made by the seller to the buyer, whether directly or indirectly, which relates to the goods and becomes part of the basis of the bargain creates an express

warranty that the goods shall conform to the affirmation or promise.

- (b) Any description of the goods which is made part of the basis of the bargain creates an express warranty that the goods shall conform to the description.
- (c) Any sample or model which is made part of the basis of the bargain creates an express warranty that the whole of the goods shall conform to the sample or model.

(2) It is not necessary to the creation of an express warranty that the seller use formal words such as "warrant" or "guarantee" or that he have a specific intention to make a warranty, but an affirmation merely of the value of the goods or a statement purporting to be merely the seller's opinion or commendation of the goods does not create a warranty.

SECTION 2—314. *Implied Warranty: Merchantability; Usage of Trade.*

(1) Unless excluded or modified (Section 2—316), a warranty that the goods shall be merchantable is implied in a contract for their sale if the seller is a merchant with respect to goods of that kind. Under this section the serving for value of food or drink to be consumed either on the premises or elsewhere is a sale.

(2) Goods to be merchantable must be at least such as

- (a) pass without objection in the trade under the contract description; and
- (b) in the case of fungible goods, are of fair average quality within the description; and
- (c) are fit for the ordinary purposes for which such goods are used; and
- (d) run, within the variations permitted by the agreement, of even kind, quality and quantity within each unit and among all units involved; and
- (e) are adequately contained, packaged, and labeled as the agreement may require; and

(3) Unless excluded or modified (Section 2—316) other implied warranties may arise from course of dealing or usage of trade.

SECTION 2—315. *Implied Warranty: Fitness for Particular Purpose.*

Where the seller at the time of contracting has reason to know any particular purpose for which the goods are required and that

the buyer is relying on the seller's skill or judgment to select or furnish suitable goods, there is unless excluded or modified under the next section an implied warranty that the goods shall be fit for such purpose.

SECTION 2—316. *Exclusion or Modification of Warranties.*

(1) If the agreement creates an express warranty words disclaiming it are inoperative.

(2) Subject to subsection (3), to exclude or modify the implied warranty or merchantability or any part of it the language must mention merchantability and in case of a writing must be conspicuous, and to exclude or modify any implied warranty of fitness the exclusion must be by a writing and conspicuous. Language to exclude the implied warranty of merchantability or of fitness for a particular purpose must be specific, and if the inclusion of such language creates an ambiguity in the contract as a whole it shall be resolved against the seller.

(3) Notwithstanding subsection (2)

(a) Unless the circumstances indicate otherwise, all implied warranties are excluded by specific language which in common understanding calls the buyer's attention to the exclusion of warranties and makes plain that there is no implied warranty; and

(b) when the buyer before entering into the contract has examined the goods or the sample or model as fully as he desired or has refused to examine the goods there is no implied warranty with regard to defects which an examination ought in the circumstances to have revealed to him; and

(c) an implied warranty can also be excluded or modified by course of dealing or course of performance or, between merchants, by usage of trade.

(4) Remedies for breach of warranty can be limited in accordance with the provisions of this Article on liquidation or limitation of damages and on contractual modification of remedy (Sections 2—718 and 2—719).

SECTION 2—317. *Cumulation and Conflict of Warranties Express or Implied.*

Warranties whether express or implied shall be construed as consistent with each other and as cumulative, but if such construction is

unreasonable the intention of the parties shall determine which warranty is dominant. In ascertaining that intention the following rules apply:

- (a) Exact or technical specifications displace an inconsistent sample or model or general language of description.
- (b) A sample from an existing bulk displaces inconsistent general language of description.
- (c) Express warranties displace inconsistent implied warranties other than an implied warranty of fitness for a particular purpose.

SECTION 2—318. *Third Party Beneficiaries of Warranties Express or Implied.*

A seller's warranty whether express or implied extends to any natural person who may be expected to use, consume or be affected by the goods and whose person or property is damaged by breach of the warranty. A seller may not exclude or limit the operation of this section.

SECTION 2—319. *F.O.B. and F.A.S. Terms.*

(1) Unless otherwise agreed the term F.O.B. (which means "free on board") at a named place, even though used only in connection with the stated price, is a delivery term under which

- (a) when the term is F.O.B. the place of shipment, the seller must at that place ship the goods in the manner provided in this Article (Section 2—504) and bear the expense and risk of putting them into the possession of the carrier; or
- (b) when the term is F.O.B. the place of destination, the seller must at his own expense and risk transport the goods to that place and there tender delivery of them in the manner provided in this Article (Section 2—503);
- (c) when under either (a) or (b) the term is also F.O.B. vessel, car or other vehicle, the seller must in addition at his own expense and risk load the goods on board. If the term is F.O.B. vessel the buyer must name the vessel and in an appropriate case the seller must comply with the provisions of this Article on the form of bill of lading (Section 2—323).

(2) Unless otherwise agreed the term F.A.S. vessel (which means "free alongside") at a named port, even though used only in connec-

tion with the stated price, is a delivery term under which the seller must

- (a) at his own expense and risk deliver the goods alongside the vessel in the manner usual in that port or on a wharf designated and provided by the buyer; and
- (b) obtain and tender a receipt for the goods in exchange for which the carrier is under a duty to issue a bill of lading.

(3) Unless otherwise agreed in any case falling within subsection (1)(a) or (c) or subsection (2) the buyer must seasonably give any needed instructions for making delivery, including when the term is F.A.S. or F.O.B. the loading berth of the vessel and in an appropriate case its name and sailing date. The seller may treat the failure of needed instructions as a failure of cooperation under this Article (Section 2—311). He may also at his option move the goods in any reasonable manner preparatory to delivery or shipment.

(4) Under the term F.O.B. vessel or F.A.S. unless otherwise agreed the buyer must make payment against tender of the required documents and the seller may not tender nor the buyer demand delivery of the goods in substitution for the documents.

SECTION 2—320. *C.I.F. and C. & F. Terms.*

(1) The term C.I.F. means that the price includes in a lump sum the cost of the goods and the insurance and freight to the named destination. The term C. & F. or C.F. means that the price so includes cost and freight to the named destination.

(2) Unless otherwise agreed and even though used only in connection with the stated price and destination, the term C.I.F. destination or its equivalent requires the seller at his own expense and risk to

- (a) put the goods into the possession of a carrier at the port for shipment and obtain a negotiable bill or bills of lading covering the entire transportation to the named destination; and
- (b) load the goods and obtain a receipt from the carrier (which may be contained in the bill of lading) showing that the freight has been paid or provided for; and
- (c) obtain a policy or certificate of insurance, including any war risk insurance, of a kind and on terms then current at the port of shipment in the usual amount, in the currency of the contract, shown to cover the same goods covered by

the bill of lading and providing for payment of loss to the order of the buyer or for the account of whom it may concern; but the seller may add to the price the amount of the premium for any such war risk insurance; and

(d) prepare an invoice of the goods and procure any other documents required to effect shipment or to comply with the contract; and

(e) forward and tender with commercial promptness all the documents in due form and with any indorsement necessary to perfect the buyer's rights.

(3) Unless otherwise agreed the term C.&F. or its equivalent has the same effect and imposes upon the seller the same obligations and risks as a C.I.F. term except the obligation as to insurance.

(4) Under the term C.I.F. or C.&F. unless otherwise agreed the buyer must make payment against tender of the required documents and the seller may not tender nor the buyer demand delivery of the goods in substitution for the documents.

SECTION 2—321. *C.I.F. or C. & F.: "Net Landed Weights"; "Payment on Arrival"; Warranty of Condition on Arrival.*

Under a contract containing a term C.I.F. or C. & F.

(1) Where the price is based on or is to be adjusted according to "net landed weights", "delivered weights", "out turn" quantity or quality or the like, unless otherwise agreed the seller must reasonably estimate the price. The payment due on tender of the documents called for by the contract is the amount so estimated, but after final adjustment of the price a settlement must be made with commercial promptness.

(2) An agreement described in subsection (1) or any warranty of quality or condition of the goods on arrival places upon the seller the risk of ordinary deterioration, shrinkage and the like in transportation but has no effect on the place or time of identification to the contract for sale or delivery or on the passing of the risk of loss.

(3) Unless otherwise agreed where the contract provides for payment on or after arrival of the goods the seller must before payment allow such preliminary inspection as is feasible; but if the goods are lost delivery of the documents and payment are due when the goods should have arrived.

SECTION 2—322. *Delivery "Ex-Ship"*.

(1) Unless otherwise agreed a term for delivery of goods "ex-ship" (which means from the carrying vessel) or in equivalent language is not restricted to a particular ship and requires delivery from a ship which has reached a place at the named port of destination where goods of the kind are usually discharged.

(2) Under such a term unless otherwise agreed

- (a) the seller must discharge all liens arising out of the carriage and furnish the buyer with a direction which puts the carrier under a duty to deliver the goods; and
- (b) the risk of loss does not pass to the buyer until the goods leave the ship's tackle or are otherwise properly unloaded.

SECTION 2—323. *Form of Bill of Lading Required in Overseas Shipment; "Overseas"*.

(1) Where the contract contemplates overseas shipment and contains a term C.I.F. or C. & F. or F.O.B. vessel, the seller unless otherwise agreed must obtain a negotiable bill of lading stating that the goods have been loaded on board or, in the case of a term C.I.F. or C. & F., received for shipment.

(2) Where in a case within subsection (1) a bill of lading has been issued in a set of parts, unless otherwise agreed if the documents are not to be sent from abroad the buyer may demand tender of the full set; otherwise only one part of the bill of lading need be tendered. Even if the agreement expressly requires a full set

- (a) due tender of a single part is acceptable within the provisions of this Article on cure of improper delivery (subsection (1) of Section 2—508); and
- (b) even though the full set is demanded, if the documents are sent from abroad the person tendering an incomplete set may nevertheless require payment upon furnishing an indemnity which the buyer in good faith deems adequate.

(3) A shipment by water or by air or a contract contemplating such shipment is "overseas" insofar as by usage of trade or agreement it is subject to the commercial, financing or shipping practices characteristic of international deep water commerce.

SECTION 2—324. *"No Arrival, No Sale" Term.*

Under a term "no arrival, no sale" or terms of like meaning, unless otherwise agreed,

- (a) the seller must properly ship conforming goods and if they arrive by any means he must tender them on arrival but he assumes no obligation that the goods will arrive unless he has caused the non-arrival; and
- (b) where without fault of the seller the goods are in part lost or have so deteriorated as no longer to conform to the contract or arrive after the contract time, the buyer may proceed as if there had been casualty to identified goods (Section 2—613).

SECTION 2—325. *“Letter of Credit” Term; “Confirmed Credit”.*

(1) Failure of the buyer seasonably to furnish an agreed letter of credit is a breach of the contract for sale.

(2) The delivery to seller of a proper letter of credit suspends the buyer's obligation to pay. If the letter of credit is dishonored, the seller may on seasonable notification to the buyer require payment directly from him.

(3) Unless otherwise agreed the term “letter of credit” or “banker's credit” in a contract for sale means an irrevocable credit issued by a financing agency of good repute and, where the shipment is overseas, of good international repute. The term “confirmed credit” means that the credit must also carry the direct obligation of such an agency which does business in the seller's financial market.

SECTION 2—326. *Sale on Approval and Sale or Return; Consignment Sales and Rights of Creditors.*

(1) Unless otherwise agreed, if delivered goods may be returned by the buyer even though they conform to the contract, the transaction is

- (a) a “sale on approval” if the goods are delivered primarily for use, and
- (b) a “sale or return” if the goods are delivered primarily for resale.

(2) Except as provided in subsection (3), goods held on approval are not subject to the claims of the buyer's creditors until acceptance; goods held on sale or return are subject to such claims while in the buyer's possession.

(3) Where goods are delivered to a person for sale and such person maintains a place of business at which he deals in goods of the kind involved, under a name other than the name of the person mak-

ing delivery, then with respect to claims of creditors of the person conducting the business the goods are deemed to be on sale or return. The provisions of this subsection are applicable even though an agreement purports to reserve title to the person making delivery until payment or resale or uses such words as "on consignment" or "on memorandum". However, this subsection is not applicable if the person making delivery

- (a) complies with an applicable law providing for a consignor's interest or the like to be evidenced by a sign, or
- (b) establishes that the person conducting the business is generally known by his creditors to be substantially engaged in selling the goods of others, or
- (c) complies with the filing provisions of the Article on Secured Transactions (Article 9).

(4) Any "or return" term of a contract for sale is to be treated as a separate contract for sale within the statute of frauds section of this Article (Section 2—201) and as contradicting the sale aspect of the contract within the provisions of this Article on parol or extrinsic evidence (Section 2—202).

SECTION 2—327. *Special Incidents of Sale on Approval and Sale or Return.*

- (1) Under a sale on approval unless otherwise agreed
 - (a) although the goods are identified to the contract the risk of loss and the title do not pass to the buyer until acceptance; and
 - (b) use of the goods consistent with the purpose of trial is not acceptance but failure seasonably to notify the seller of election to return the goods is acceptance, and if the goods conform to the contract acceptance of any part is acceptance of the whole; and
 - (c) after due notification of election to return, the return is at the seller's risk and expense but a merchant buyer must follow any reasonable instructions.
- (2) Under a sale or return unless otherwise agreed
 - (a) the option to return extends to the whole or any commercial unit of the goods while in substantially their original condition, but must be exercised seasonably; and
 - (b) the return is at the buyer's risk and expense.

SECTION 2—328. *Sale by Auction.*

(1) In a sale by auction if goods are put up in lots each lot is the subject of a separate sale.

(2) A sale by auction is complete when the auctioneer so announces by the fall of the hammer or in other customary manner. Where a bid is made while the hammer is falling in acceptance of a prior bid the auctioneer may in his discretion reopen the bidding or declare the goods sold under the bid on which the hammer was falling.

(3) Such a sale is with reserve unless the goods are in explicit terms put up without reserve. In an auction with reserve the auctioneer may withdraw the goods at any time until he announces completion of the sale. In an auction without reserve, after the auctioneer calls for bids on an article or lot, that article or lot cannot be withdrawn unless no bid is made within a reasonable time. In either case a bidder may retract his bid until the auctioneer's announcement of completion of the sale, but a bidder's retraction does not revive any previous bid.

(4) If the auctioneer knowingly receives a bid on the seller's behalf or the seller makes or procures such a bid, and notice has not been given that liberty for such bidding is reserved, the buyer may at his option avoid the sale or take the goods at the price of the last good faith bid prior to the completion of the sale. This subsection shall not apply to any bid at a forced sale.

PART 4

TITLE, CREDITORS AND GOOD FAITH PURCHASERS

SECTION 2—401. *Passing of Title; Reservation for Security; Limited Application of This Section.*

Each provision of this Article with regard to the rights, obligations and remedies of the seller, the buyer, purchasers or other third parties applies irrespective of title to the goods except where the provision refers to such title. Insofar as situations are not covered by the other provisions of this Article and matters concerning title become material the following rules apply:

(1) Title to goods cannot pass under a contract for sale prior to their identification to the contract (Section 2-501), and unless otherwise explicitly agreed the buyer acquires by their identification a special property as limited by this Act. Any retention or reservation by

the seller of the title (property) in goods shipped or delivered to the buyer is limited in effect to a reservation of a security interest. Subject to these provisions and to the provisions of the Article on Secured Transactions (Article 9), title to goods passes from the seller to the buyer in any manner and on any conditions explicitly agreed on by the parties.

(2) Unless otherwise explicitly agreed title passes to the buyer at the time and place at which the seller completes his performance with reference to the physical delivery of the goods, despite any reservation of a security interest and even though a document of title is to be delivered at a different time or place; and in particular and despite any reservation of a security interest by the bill of lading

(a) if the contract requires or authorizes the seller to send the goods to the buyer but does not require him to deliver them at destination, title passes to the buyer at the time and place of shipment; but

(b) if the contract requires delivery at destination, title passes on tender there.

(3) Unless otherwise explicitly agreed where delivery is to be made without moving the goods,

(a) if the seller is to deliver a document of title, title passes at the time when and the place where he delivers such documents; or

(b) if the goods are at the time of contracting already identified and no documents are to be delivered, title passes at the time and place of contracting.

(4) A rejection or other refusal by the buyer to receive or retain the goods, whether or not justified, or a justified revocation of acceptance reverts title to the goods in the seller. Such reversion occurs by operation of law and is not a "sale".

SECTION 2—402. *Rights of Seller's Creditors Against Sold Goods.*

(1) Except as provided in subsections (2) and (3), rights of unsecured creditors of the seller with respect to goods which have been identified to a contract for sale are subject to the buyer's rights to recover the goods under this Article (Sections 2-502 and 2-716).

(2) A creditor of the seller may treat a sale or an identification of goods to a contract for sale as void if as against him a retention of possession by the seller is fraudulent under any rule of law of the

state where the goods are situated, except that retention of possession in good faith and current course of trade by a merchant-seller for a commercially reasonable time after a sale or identification is not fraudulent.

(3) Nothing in this Article shall be deemed to impair the rights of creditors of the seller

- (a) under the provisions of the Article on Secured Transactions (Article 9); or
- (b) where identification to the contract or delivery is made not in current course of trade but in satisfaction of or as security for a pre-existing claim for money, security or the like and is made under circumstances which under any rule of law of the state where the goods are situated would apart from this Article constitute the transaction a fraudulent transfer or voidable preference.

SECTION 2—403. *Power to Transfer; Good Faith Purchase of Goods; "Entrusting"*.

(1) A purchaser of goods acquires all title which his transferor had or had power to transfer except that a purchaser of a limited interest acquires rights only to the extent of the interest purchased. A person with voidable title has power to transfer a good title to a good faith purchaser for value. When goods have been delivered under a transaction of purchase the purchaser has such power even though

- (a) the transferor was deceived as to the identity of the purchaser, or
- (b) the delivery was in exchange for a check which is later dishonored, or
- (c) it was agreed that the transaction was to be a "cash sale", or
- (d) the delivery was procured through fraud punishable as larcenous under the criminal law.

(2) Any entrusting of possession of goods to a merchant who deals in goods of that kind gives him power to transfer all rights of the entruster to a buyer in ordinary course of business.

(3) "Entrusting" includes any delivery and any acquiescence in retention of possession regardless of any condition expressed between the parties to the delivery or acquiescence and regardless of whether the procurement of the entrusting or the possessor's disposition of the goods have been such as to be larcenous under the criminal law.

(4) The rights of other purchasers of goods and of lien creditors are governed by the Articles on Secured Transactions (Article 9), Bulk Transfers (Article 6) and Documents of Title (Article 7).

PART 5

PERFORMANCE

SECTION 2—501. *Insurable Interest in Goods; Manner of Identification of Goods.*

(1) The buyer obtains a special property and an insurable interest in goods by identification of existing goods as goods to which the contract refers even though the goods so identified are non-conforming and he has an option to return or reject them. Such identification can be made at any time and in any manner explicitly agreed to by the parties. In the absence of explicit agreement identification occurs

- (a) when the contract is made if it is for the sale of goods already existing and identified;
- (b) if the contract is for the sale of future goods other than those described in paragraph (c), when goods are shipped, marked or otherwise designated by the seller as goods to which the contract refers;
- (c) when the crops are planted or otherwise become growing crops or the young are conceived if the contract is for the sale of unborn young to be born within twelve months after contracting or for the sale of crops to be harvested within twelve months or the next normal harvest season after contracting, whichever is longer.

(2) The seller retains an insurable interest in goods so long as title to or any security interest in the goods remains in him and where the identification is by the seller alone he may until default or insolvency or notification to the buyer that the identification is final substitute other goods for those identified.

(3) Nothing in this section impairs any insurable interest recognized under any other statute or rule of law.

SECTION 2—502. *Buyer's Right to Goods on Seller's Insolvency.*

(1) Subject to subsection (2) and even though the goods have not been shipped a buyer who has paid a part or all of the price of goods in which he has a special property under the provisions of the immediately preceding section may on making and keeping good a

tender of any unpaid portion of their price recover them from the seller if the seller becomes insolvent within ten days after receipt of the first installment on their price.

(2) If the identification creating his special property has been made by the buyer he acquires the right to recover the goods only if they conform to the contract for sale.

SECTION 2—503. *Manner of Seller's Tender of Delivery.*

(1) Tender of delivery requires that the seller put and hold conforming goods at the buyer's disposition and give the buyer any notification reasonably necessary to enable him to take delivery. The manner, time and place for tender are determined by the agreement and this Article, and in particular

- (a) tender must be at a reasonable hour, and if it is of goods they must be kept available for the period reasonably necessary to enable the buyer to take possession; but
- (b) unless otherwise agreed the buyer must furnish facilities reasonably suited to the receipt of the goods.

(2) Where the case is within the next section respecting shipment tender requires that the seller comply with its provisions.

(3) Where the seller is required to deliver at a particular destination tender requires that he comply with subsection (1) and also in any appropriate case tender documents as described in subsections (4) and (5) of this section.

(4) Where goods are in the possession of a bailee and are to be delivered without being moved

- (a) tender requires that the seller either tender a negotiable document of title covering such goods or procure acknowledgment by the bailee of the buyer's right to possession of the goods; but
- (b) tender to the buyer of a non-negotiable document of title or of a written direction to the bailee to deliver is sufficient tender unless the buyer seasonably objects, and receipt by the bailee of notification of the buyer's rights fixes those rights as against the bailee and all third persons; but risk of loss of the goods and of any failure by the bailee to honor the non-negotiable document of title or to obey the direction remains on the seller until the buyer has had a reasonable time to present the document or direction, and a refusal by

the bailee to honor the document or to obey the direction defeats the tender.

- (5) Where the contract requires the seller to deliver documents
- (a) he must tender all such documents in correct form, except as provided in this Article with respect to bills of lading in a set (subsection (2) of Section 2-323); and
 - (b) tender through customary banking channels is sufficient and dishonor of a draft accompanying the documents constitutes non-acceptance or rejection.

SECTION 2—504. *Shipment by Seller.*

Where the seller is required or authorized to send the goods to the buyer and the contract does not require him to deliver them at a particular destination, then unless otherwise agreed he must

- (a) put the goods in the possession of such a carrier and make such a contract for their transportation as may be reasonable having regard to the nature of the goods and other circumstances of the case; and
- (b) obtain and promptly deliver or tender in due form any document necessary to enable the buyer to obtain possession of the goods or otherwise required by the agreement or by usage of trade; and
- (c) promptly notify the buyer of the shipment.

Failure to notify the buyer under paragraph (c) or to make a proper contract under paragraph (a) is a ground for rejection only if material delay or loss ensues.

SECTION 2—505. *Seller's Shipment Under Reservation.*

- (1) Where the seller has identified goods to the contract by or before shipment:
- (a) his procurement of a negotiable bill of lading to his own order or otherwise reserves in him a security interest in the goods. His procurement of the bill to the order of a financing agency or of the buyer indicates in addition only the seller's expectation of transferring that interest to the person named.
 - (b) a non-negotiable bill of lading to himself or his nominee reserves possession of the goods as security but except in a case of conditional delivery (subsection (2) of Section 2-507) a non-negotiable bill of lading naming the buyer as

consignee reserves no security interest even though the seller retains possession of the bill of lading.

(2) When shipment by the seller with reservation of a security interest is in violation of the contract for sale it constitutes an improper contract for transportation within the preceding section but impairs neither the rights given to the buyer by shipment and identification of the goods to the contract nor the seller's powers as a holder of a negotiable document.

SECTION 2—506. *Rights of Financing Agency.*

(1) A financing agency by paying or purchasing for value a draft which relates to a shipment of goods acquires to the extent of the payment or purchase and in addition to its own rights under the draft and any document of title securing it any rights of the shipper in the goods including the right to stop delivery and the shipper's right to have the draft honored by the buyer.

(2) The right to reimbursement of a financing agency which has in good faith honored or purchased the draft under commitment to or authority from the buyer is not impaired by subsequent discovery of defects with reference to any relevant document which was apparent which was apparently regular on its face.

SECTION 2—507. *Effect of Seller's Tender; Delivery on Condition.*

(1) Tender of delivery is a condition to the buyer's duty to accept the goods and, unless otherwise agreed, to his duty to pay for them. Tender entitles the seller to acceptance of the goods and to payment according to the contract.

(2) Where payment is due and demanded on the delivery to the buyer of goods or documents of title, his right as against the seller to retain or dispose of them is conditional upon his making the payment due.

SECTION 2—508. *Cure by Seller of Improper Tender or Delivery; Replacement.*

(1) Where any tender or delivery by the seller is rejected because non-conforming and the time for performance has not yet expired, the seller may seasonably notify the buyer of his intention to cure and may then within the contract time make a conforming delivery.

(2) Where the buyer rejects a non-conforming tender which the seller had reasonable grounds to believe would be acceptable with

or without money allowance the seller may if he seasonably notifies the buyer have a further reasonable time to substitute a conforming tender.

SECTION 2—509. *Risk of Loss in the Absence of Breach.*

(1) Where the contract requires or authorizes the seller to ship the goods by carrier

- (a) if it does not require him to deliver them at a particular destination, the risk of loss passes to the buyer when the goods are duly delivered to the carrier even though the shipment is under reservation (Section 2-505); but
- (b) if it does require him to deliver them at a particular destination and the goods are there duly tendered while in the possession of the carrier, the risk of loss passes to the buyer when the goods are there duly so tendered as to enable the buyer to take delivery.

(2) Where the goods are held by a bailee to be delivered without being moved, the risk of loss passes to the buyer

- (a) on his receipt of a negotiable document of title covering the goods; or
- (b) on acknowledgment by the bailee of the buyer's right to possession of the goods; or
- (c) after his receipt of a non-negotiable document of title or other written direction to deliver, as provided in subsection (4) (b) of Section 2-503.

(3) In any case not within subsection (1) or (2), the risk of loss passes to the buyer on his receipt of the goods if the seller is a merchant; otherwise the risk passes to the buyer on tender of delivery.

(4) The provisions of this section are subject to contrary agreement of the parties and to the provisions of this Article on sale on approval (Section 2-327) and on effect of breach on risk of loss (Section 2-510).

SECTION 2—510. *Effect of Breach on Risk of Loss.*

(1) Where a tender or delivery of goods so fails to conform to the contract as to give a right of rejection the risk of their loss remains on the seller until cure or acceptance.

(2) Where the buyer rightfully revokes acceptance he may to the extent of any deficiency in his effective insurance coverage treat the risk of loss as having rested on the seller from the beginning.

(3) Where the buyer as to conforming goods already identified to the contract for sale repudiates or is otherwise in breach before risk of their loss has passed to him, the seller may to the extent of any deficiency in his effective insurance coverage treat the risk of loss as resting on the buyer for a commercially reasonable time.

SECTION 2—511. *Tender of Payment by Buyer; Payment by Check.*

(1) Unless otherwise agreed tender of payment is a condition to the seller's duty to tender and complete any delivery.

(2) Tender of payment is sufficient when made by any means or in any manner current in the ordinary course of business unless the seller demands payment in legal tender and gives any extension of time reasonably necessary to procure it.

(3) Subject to the provisions of this Act on the effect of an instrument on an obligation (Section 3-802), payment by check is conditional and is defeated as between the parties by dishonor of the check on due presentment.

SECTION 2—512. *Payment by Buyer Before Inspection.*

(1) Where the contract requires payment before inspection non-conformity of the goods does not excuse the buyer from so making payment unless

- (a) the non-conformity appears without inspection; or
- (b) despite tender of the required documents the circumstances would justify injunction against honor under the provisions of this Act (Section 5-114).

(2) Payment pursuant to subsection (1) does not constitute an acceptance of goods or impair the buyer's right to inspect or any of his remedies.

SECTION 2—513. *Buyer's Right to Inspection of Goods.*

(1) Unless otherwise agreed and subject to subsection (3), where goods are tendered or delivered or identified to the contract for sale, the buyer has a right before payment or acceptance to inspect them at any reasonable place and time and in any reasonable manner. When the seller is required or authorized to send the goods to the buyer, the inspection may be after their arrival.

(2) Expenses of inspection must be borne by the buyer but may be recovered from the seller if the goods do not conform and are rejected.

(3) Unless otherwise agreed and subject to the provisions of this Article on C.I.F. contracts (subsection (3) of Section 2-321), the buyer is not entitled to inspect the goods before payment of the price when the contract provides

- (a) for delivery "C.O.D." or on other like terms; or
- (b) for payment against documents of title, except where such payment is due only after the goods are to become available for inspection.

(4) A place or method of inspection fixed by the parties is presumed to be exclusive but unless otherwise expressly agreed it does not postpone identification or shift the place for delivery or for passing the risk of loss. If compliance becomes impossible, inspection shall be as provided in this section unless the place or method fixed was clearly intended as an indispensable condition failure of which avoids the contract.

SECTION 2—514. *When Documents Deliverable on Acceptance; When on Payment.*

Unless otherwise agreed documents against which a draft is drawn are to be delivered to the drawee on acceptance of the draft if it is payable more than three days after presentment; otherwise, only on payment.

SECTION 2—515. *Preserving Evidence of Goods in Dispute.*

In furtherance of the adjustment of any claim or dispute

- (a) either party on reasonable notification to the other and for the purpose of ascertaining the facts and preserving evidence has the right to inspect, test and sample the goods including such of them as may be in the possession or control of the other; and
- (b) the parties may agree to a third party inspection or survey to determine the conformity or condition of the goods and may agree that the findings shall be binding upon them in any subsequent litigation or adjustment.

PART 6

BREACH, REPUDIATION AND EXCUSE

SECTION 2—601. *Buyer's Rights on Improper Delivery.*

Subject to the provisions of this Article on breach in installment contracts (Section 2-612) and unless otherwise agreed under the sections on contractual limitations of remedy (Sections 2-718 and 2-719), if the goods or the tender of delivery fail in any respect to conform to the contract, the buyer may

- (a) reject the whole; or
- (b) accept the whole;
- (c) accept any commercial unit or units and reject the rest.

SECTION 2—602. *Manner and Effect of Rightful Rejection.*

(1) Rejection of goods must be within a reasonable time after their delivery or tender. It is ineffective unless the buyer seasonably notifies the seller.

(2) Subject to the provisions of the two following sections on rejected goods (Sections 2-603 and 2-604),

- (a) after rejection any exercise of ownership by the buyer with respect to any commercial unit is wrongful as against the seller; and
- (b) if the buyer has before rejection taken physical possession of goods in which he does not have a security interest under the provisions of this Article (subsection (3) of Section 2-711), he is under a duty after rejection to hold them with reasonable care at the seller's disposition for a time sufficient to permit the seller to remove them; but
- (c) the buyer has no further obligations with regard to goods rightfully rejected.

(3) The seller's rights with respect to goods wrongfully rejected are governed by the provisions of this Article on Seller's remedies in general (Section 2-703).

SECTION 2—603. *Merchant Buyer's Duties as to Rightfully Rejected Goods.*

(1) Subject to any security interest in the buyer (subsection (3) of Section 2-711), when the seller has no agent or place of business at the market of rejection a merchant buyer is under a duty after rejection of goods in his possession or control to follow any reason-

able instructions received from the seller with respect to the goods and in the absence of such instructions to make reasonable efforts to sell them for the seller's account if they are perishable or threaten to decline in value speedily. Instructions are not reasonable if on demand indemnity for expenses is not forthcoming.

(2) When the buyer sells goods under subsection (1), he is entitled to reimbursement from the seller or out of the proceeds for reasonable expenses of caring for and selling them, and if the expenses include no selling commission then to such commission as is usual in the trade or if there is none to a reasonable sum not exceeding ten per cent on the gross proceeds.

(3) In complying with this section the buyer is held only to good faith and good faith conduct hereunder is neither acceptance nor conversion nor the basis of an action for damages.

SECTION 2—604. *Buyer's Options as to Salvage of Rightfully Rejected Goods.*

Subject to the provisions of the immediately preceding section on perishables if the seller gives no instructions within a reasonable time after notification of rejection the buyer may store the rejected goods for the seller's account or reship them to him or resell them for the seller's account with reimbursement as provided in the preceding section. Such action is not acceptance or conversion.

SECTION 2—605. *Waiver of Buyer's Objections by Failure to Particularize.*

(1) The buyer's failure to state in connection with rejection a particular defect which is ascertainable by reasonable inspection precludes him from relying on the unstated defect to justify rejection or to establish breach

- (a) where the seller could have cured it if stated seasonably; or
- (b) between merchants when the seller has after rejection made a request in writing for a full and final written statement of all defects on which the buyer proposes to rely.

(2) Payment against documents made without reservation of rights precludes recovery of the payment for defects apparent on the face of the documents.

SECTION 2—606. *What Constitutes Acceptance of Goods.*

- (1) Acceptance of goods occurs when the buyer
 - (a) after a reasonable opportunity to inspect the goods signifies in writing to the seller that the goods are conforming or that he will take or retain them in spite of their non-conformity; or
 - (b) fails to make an effective rejection (subsection (1) of Section 2—602), but such acceptance does not occur until the buyer has had a reasonable opportunity to inspect them; or
 - (c) does any act inconsistent with the seller's ownership; but if such act is wrongful as against the seller it is an acceptance only if ratified by him.

(2) Acceptance of a part of any commercial unit shall not be acceptance of the entire unit.

SECTION 2—607. *Effect of Acceptance; Notice of Breach; Burden of Establishing Breach After Acceptance; Notice of Claim or Litigation to Person Answerable Over.*

(1) The buyer must pay at the contract rate for any goods accepted.

(2) Acceptance of goods by the buyer precludes rejection of the goods accepted and if made with knowledge of a non-conformity cannot be revoked because of it unless the acceptance was on the reasonable assumption that the non-conformity would be seasonably cured but acceptance does not of itself impair any other remedy provided by this Article for non-conformity.

(3) Where a tender has been accepted

- (a) The buyer must within a reasonable time after he discovers or should have discovered any breach notify the seller of breach or be barred from any remedy; however, no notice of injury to the person in the case of consumer goods shall be required; and
- (b) if the claim is one for infringement or the like (subsection (3) of Section 2—312) and the buyer is sued as a result of such a breach he must so notify the seller within a reasonable time after he receives notice of the litigation or be barred from any remedy over for liability established by the litigation.

(4) The burden is on the buyer to establish any breach with respect to the goods accepted.

(5) Where the buyer is sued for breach of a warranty or other obligation for which his seller is answerable over

(a) he may give his seller written notice of the litigation. If the notice states that the seller may come in and defend and that if the seller does not do so he will be bound in any action against him by his buyer by any determination of fact common to the two litigations, then unless the seller after seasonable receipt of the notice does come in and defend he is so bound.

(b) if the claim is one for infringement or the like (subsection (3) of Section 2—312) the original seller may demand in writing that his buyer turn over to him control of the litigation including settlement or else be barred from any remedy over and if he also agrees to bear all expense and to satisfy any adverse judgment, then unless the buyer after seasonable receipt of the demand does turn over control the buyer is so barred.

(6) The provisions of subsections (3), (4) and (5) apply to any obligation of a buyer to hold the seller harmless against infringement or the like (subsection (3) of Section 2—312).

SECTION 2—608. *Revocation of Acceptance in Whole or in Part.*

(1) The buyer may revoke his acceptance of a lot or commercial unit whose non-conformity substantially impairs its value to him if he has accepted it

(a) on the reasonable assumption that its non-conformity would be cured and it has not been seasonably cured; or

(b) without discovery of such non-conformity if his acceptance was reasonably induced either by the difficulty of discovery before acceptance or by the seller's assurances.

(2) Revocation of acceptance must occur within a reasonable time after the buyer discovers or should have discovered the ground for it and before any substantial change in condition of the goods which is not caused by their own defects. It is not effective until the buyer notifies the seller of it.

(3) A buyer who so revokes has the same rights and duties with regard to the goods involved as if he had rejected them.

SECTION 2—609. *Right to Adequate Assurance of Performance.*

(1) A contract for sale imposes an obligation on each party that the other's expectation of receiving due performance will not be impaired. When reasonable grounds for insecurity arise with respect to the performance of either party the other may in writing demand adequate assurance of due performance and until he receives such assurance may if commercially reasonable suspend any performance for which he has not already received the agreed return.

(2) Between merchants the reasonableness of grounds for insecurity and the adequacy of any assurance offered shall be determined according to commercial standards.

(3) Acceptance of any improper delivery or payment does not prejudice the aggrieved party's right to demand adequate assurance of future performance.

(4) After receipt of a justified demand failure to provide within a reasonable time not exceeding thirty days such assurance of due performance as is adequate under the circumstances of the particular case is a repudiation of the contract.

SECTION 2—610. *Anticipatory Repudiation.*

When either party repudiates the contract with respect to a performance not yet due the loss of which will substantially impair the value of the contract to the other, the aggrieved party may

- (a) for a commercially reasonable time await performance by the repudiating party; or
- (b) resort to any remedy for breach (Section 2—703 or Section 2—711), even though he has notified the repudiating party that he would await the latter's performance and has urged retraction; and
- (c) in either case suspend his own performance or proceed in accordance with the provisions of this Article on the seller's right to identify goods to the contract notwithstanding breach or to salvage unfinished goods (Section 2—704).

SECTION 2—611. *Retraction of Anticipatory Repudiation.*

(1) Until the repudiating party's next performance is due he can retract his repudiation unless the aggrieved party has since the repudiation cancelled or materially changed his position or otherwise indicated that he considers the repudiation final.

(2) Retraction may be by any method which clearly indicates to the aggrieved party that the repudiating party intends to perform, but must include any assurance justifiably demanded under the provisions of this Article (Section 2—609).

(3) Retraction reinstates the repudiating party's rights under the contract with due excuse and allowance to the aggrieved party for any delay occasioned by the repudiation.

SECTION 2—612. *"Installment Contract"; Breach.*

(1) An "installment contract" is one which requires or authorizes the delivery of goods in separate lots to be separately accepted, even though the contract contains a clause "each delivery is a separate contract" or its equivalent.

(2) The buyer may reject any installment which is non-conforming if the non-conformity substantially impairs the value of that installment and cannot be cured or if the non-conformity is a defect in the required documents; but if the non-conformity does not fall within subsection (3) and the seller gives adequate assurance of its cure the buyer must accept that installment.

(3) Whenever non-conformity or default with respect to one or more installments substantially impairs the value of the whole contract there is a breach of the whole. But the aggrieved party reinstates the contract if he accepts a non-conforming installment without seasonably notifying of cancellation or if he brings an action with respect only to past installments or demands performance as to future installments.

SECTION 2—613. *Casualty to Identified Goods.*

Where the contract requires for its performance goods identified when the contract is made, and the goods suffer casualty without fault of either party before the risk of loss passes to the buyer, or in a proper case under a "no arrival, no sale" term (Section 2—324) then

- (a) if the loss is total the contract is avoided; and
- (b) if the loss is partial or the goods have so deteriorated as no longer to conform to the contract the buyer may nevertheless demand inspection and at his option either treat the contract as avoided or accept the goods with due allowance from the contract price for the deterioration or the deficiency in quantity but without further right against the seller.

SECTION 2—614. *Substituted Performance.*

(1) Where without fault of either party the agreed berthing, loading, or unloading facilities fail or an agreed type of carrier becomes unavailable or the agreed manner of delivery otherwise becomes commercially impracticable but a commercially reasonable substitute is available, such substitute performance must be tendered and accepted.

(2) If the agreed means or manner of payment fails because of domestic or foreign governmental regulation, the seller may withhold or stop delivery unless the buyer provides a means or manner of payment which is commercially a substantial equivalent. If delivery has already been taken, payment by the means or in the manner provided by the regulation discharges the buyer's obligation unless the regulation is discriminatory, oppressive or predatory.

SECTION 2—615. *Excuse by Failure of Presupposed Conditions.*

Except so far as a seller may have assumed a greater obligation and subject to the preceding section on substituted performance:

- (a) Delay in delivery or non-delivery in whole or in part by a seller who complies with paragraphs (b) and (c) is not a breach of his duty under a contract for sale if performance as agreed has been made impracticable by the occurrence of a contingency the non-occurrence of which was a basic assumption on which the contract was made or by compliance in good faith with any applicable foreign or domestic governmental regulation or order whether or not it later proves to be invalid.
- (b) Where the causes mentioned in paragraph (a) affect only a part of the seller's capacity to perform, he must allocate production and deliveries among his customers but may at his option include regular customers not then under contract as well as his own requirements for further manufacture. He may so allocate in any manner which is fair and reasonable.
- (c) The seller must notify the buyer seasonably that there will be delay or non-delivery and, when allocation is required under paragraph (b), of the estimated quota thus made available for the buyer.

SECTION 2—616. *Procedure on Notice Claiming Excuse.*

(1) Where the buyer receives notification of a material or indefinite delay or an allocation justified under the preceding section he may by

written notification to the seller as to any delivery concerned, and where the prospective deficiency substantially impairs the value of the whole contract under the provisions of this Article relating to breach of installment contracts (Section 2—612), then also as to the whole,

- (a) terminate and thereby discharge any unexecuted portion of the contract; or
- (b) modify the contract by agreeing to take his available quota in substitution.

(2) If after receipt of such notification from the seller the buyer fails so to modify the contract within a reasonable time not exceeding thirty days the contract lapses with respect to any deliveries affected.

(3) The provisions of this section may not be negated by agreement except in so far as the seller has assumed a greater obligation under the preceding section.

PART 7

REMEDIES

SECTION 2—701. *Remedies for Breach of Collateral Contracts Not Impaired.*

Remedies for breach of any obligation or promise collateral or ancillary to a contract for sale are not impaired by the provisions of this Article.

SECTION 2—702. *Seller's Remedies on Discovery of Buyer's Insolvency.*

(1) Where the seller discovers the buyer to be insolvent he may refuse delivery except for cash including payment for all goods theretofore delivered under the contract, and stop delivery under this Article (Section 2—705).

(2) Where the seller discovers that the buyer has received goods on credit while insolvent he may reclaim the goods upon demand made within ten days after the receipt, but if misrepresentation of solvency has been made to the particular seller in writing within three months before delivery the ten day limitation does not apply. Except as provided in this subsection the seller may not base a right to reclaim goods on the buyer's fraudulent or innocent misrepresentation of solvency or of intent to pay.

(3) The seller's right to reclaim under subsection (2) is subject to the rights of a buyer in ordinary course or other good faith pur-

chaser or lien creditor under this Article (Section 2-403). Successful reclamation of goods excludes all other remedies with respect to them.

SECTION 2—703. *Seller's Remedies in General.*

Where the buyer wrongfully rejects or revokes acceptance of goods or fails to make a payment due on or before delivery or repudiates with respect to a part or the whole, then with respect to any goods directly affected and, if the breach is of the whole contract (Section 2—612), then also with respect to the whole undelivered balance, the aggrieved seller may

- (a) withhold delivery of such goods;
- (b) stop delivery by any bailee as hereafter provided (Section 2—705);
- (c) proceed under the next section respecting goods still unidentified to the contract;
- (d) resell and recover damages as hereafter provided (Section 2—706);
- (e) recover damages for non-acceptance (Section 2—708) or in a proper case the price (Section 2—709);
- (f) cancel.

SECTION 2—704. *Seller's Right to Identify Goods to the Contract Notwithstanding Breach or to Salvage Unfinished Goods.*

- (1) An aggrieved seller under the preceding section may
 - (a) identify to the contract conforming goods not already identified if at the time he learned of the breach they are in his possession or control;
 - (b) treat as the subject of resale goods which have demonstrably been intended for the particular contract even though those goods are unfinished.

(2) Where the goods are unfinished an aggrieved seller may in the exercise of reasonable commercial judgment for the purposes of avoiding loss and of effective realization either complete the manufacture and wholly identify the goods to the contract or cease manufacture and resell for scrap or salvage value or proceed in any other reasonable manner.

SECTION 2—705. *Seller's Stoppage of Delivery in Transit or Otherwise.*

- (1) The seller may stop delivery of goods in the possession of a carrier or other bailee when he discovers the buyer to be insolvent

(Section 2-702) and may stop delivery of carload, truckload, plane-load or larger shipments of express or freight when the buyer repudiates or fails to make a payment due before delivery or if for any other reason the seller has a right to withhold or reclaim the goods.

- (2) As against such buyer the seller may stop delivery until
- (a) receipt of the goods by the buyer; or
 - (b) acknowledgment to the buyer by any bailee of the goods except a carrier that the bailee holds the goods for the buyer; or
 - (c) such acknowledgment to the buyer by a carrier by reshipment or as warehouseman; or
 - (d) negotiation to the buyer of any negotiable document of title covering the goods.

(3) To stop delivery the seller must so notify as to enable the bailee by reasonable diligence to prevent delivery of the goods.

- (b) After such notification the bailee must hold and deliver the goods according to the directions of the seller but the seller is liable to the bailee for any ensuing charges or damages.
- (c) If a negotiable document of title has been issued for goods the bailee is not obliged to obey a notification to stop until surrender of the document.
- (d) A carrier who has issued a non-negotiable bill of lading is not obliged to obey a notification to stop received from a person other than the consignor.

SECTION 2—706. *Seller's Resale Including Contract for Resale.*

(1) Under the conditions stated in Section 2—703 on seller's remedies, the seller may resell the goods concerned or the undelivered balance thereof. Where the resale is made in good faith and in a commercially reasonable manner the seller may recover the difference between the resale price and the contract price together with any incidental damages allowed under the provisions of this Article (Section 2—710), but less expenses saved in consequence of the buyer's breach.

(2) Except as otherwise provided in subsection (3) or unless otherwise agreed resale may be at public or private sale including sale by way of one or more contracts to sell or of identification to an existing contract of the seller. Sale may be as a unit or in parcels and at any time and place and on any terms but every aspect of the sale including the method, manner, time, place and terms must be commercially

reasonable. The resale must be reasonably identified as referring to the broken contract, but it is not necessary that the goods be in existence or that any or all of them have been identified to the contract before the breach.

(3) Where the resale is at private sale the seller must give the buyer reasonable notification of his intention to resell.

(4) Where the resale is at public sale

(a) only identified goods can be sold except where there is a recognized market for a public sale of futures in goods of the kind; and

(b) it must be made at a usual place or market for public sale if one is reasonably available and except in the case of goods which are perishable or threaten to decline in value speedily the seller must give the buyer reasonable notice of the time and place of the resale; and

(c) if the goods are not to be within the view of those attending the sale the notification of sale must state the place where the goods are located and provide for their reasonable inspection by prospective bidders; and

(d) the seller may buy.

(5) A purchaser who buys in good faith at a resale takes the goods free of any rights of the original buyer even though the seller fails to comply with one or more of the requirements of this section.

(6) The seller is not accountable to the buyer for any profit made on any resale. A person in the position of a seller (Section 2—707) or a buyer who has rightfully rejected or justifiably revoked acceptance must account for any excess over the amount of his security interest, as hereinafter defined (subsection (3) of Section 2-711).

SECTION 2—707. *“Person in the Position of a Seller”.*

(1) A “person in the position of a seller” includes as against a principal an agent who has paid or become responsible for the price of goods on behalf of his principal or anyone who otherwise holds a security interest or other right in goods similar to that of a seller.

(2) A person in the position of a seller may as provided in this Article withhold or stop delivery (Section 2-705) and resell (Section 2—706) and recover incidental damages (Section 2—710).

SECTION 2—708. *Seller's Damages for Non-acceptance or Repudiation.*

(1) Subject to subsection (2) and to the provisions of this Article with respect to proof of market price (Section 2—723), the measure of damages for non-acceptance or repudiation by the buyer is the difference between the market price at the time and place for tender and the unpaid contract price together with any incidental damages provided in this Article (Section 2-710), but less expenses saved in consequence of the buyer's breach.

(2) If the measure of damages provided in subsection (1) is inadequate to put the seller in as good a position as performance would have done then the measure of damages is the profit (including reasonable overhead) which the seller would have made from full performance by the buyer, together with any incidental damages provided in this Article (Section 2—710), due allowance for costs reasonably incurred and due credit for payments or proceeds of resale.

SECTION 2—709. *Action for the Price.*

(1) When the buyer fails to pay the price as it becomes due the seller may recover, together with any incidental damages under the next section, the price

- (a) of goods accepted or of conforming goods lost or damaged within a commercially reasonable time after risk of their loss has passed to the buyer; and
- (b) of goods identified to the contract if the seller is unable after reasonable effort to resell them at a reasonable price or the circumstances reasonably indicate that such effort will be unavailing.

(2) Where the seller sues for the price he must hold for the buyer any goods which have been identified to the contract and are still in his control except that if resale becomes possible he may resell them at any time prior to the collection of the judgment. The net proceeds of any such resale must be credited to the buyer and payment of the judgment entitles him to any goods not resold.

(3) After the buyer has wrongfully rejected or revoked acceptance of the goods or has failed to make a payment due or has repudiated (Section 2—610), a seller who is held not entitled to the price under this section shall nevertheless be awarded damages for non-acceptance under the preceding section.

SECTION 2—710. *Seller's Incidental Damages.*

Incidental damages to an aggrieved seller include any commercially reasonable charges, expenses or commissions incurred in stopping delivery, in the transportation, care and custody of goods after the buyer's breach, in connection with return or resale of the goods or otherwise resulting from the breach.

SECTION 2—711. *Buyer's Remedies in General; Buyer's Security Interest in Rejected Goods.*

(1) Where the seller fails to make delivery or repudiates or the buyer rightfully rejects or justifiably revokes acceptance then with respect to any goods involved, and with respect to the whole if the breach goes to the whole contract (Section 2—612), the buyer may cancel and whether or not he has done so may in addition to recovering so much of the price as has been paid

(a) "cover" and have damages under the next section as to all the goods affected whether or not they have been identified to the contract; or

(b) recover damages for non-delivery as provided in this Article (Section 2—713).

(2) Where the seller fails to deliver or repudiates the buyer may also

(a) if the goods have been identified recover them as provided in this Article (Section 2—502); or

(b) in a proper case obtain specific performance or replevy the goods as provided in this Article (Section 2—716).

(3) On rightful rejection or justifiable revocation of acceptance a buyer has a security interest in goods in his possession or control for any payments made on their price and any expenses reasonably incurred in their inspection, receipt, transportation, care and custody and may hold such goods and resell them in like manner as an aggrieved seller (Section 2—706).

SECTION 2—712. *"Cover"; Buyer's Procurement of Substitute Goods.*

(1) After a breach within the preceding section the buyer may "cover" by making in good faith and without unreasonable delay any reasonable purchase of or contract to purchase goods in substitution for those due from the seller.

(2) The buyer may recover from the seller as damages the difference between the cost of cover and the contract price together with any incidental or consequential damages as hereinafter defined (Section 2—715), but less expenses saved in consequence of the seller's breach.

(3) Failure of the buyer to effect cover within this section does not bar him from any other remedy.

SECTION 2—713. *Buyer's Damages for Non-Delivery or Repudiation.*

(1) Subject to the provisions of this Article with respect to proof of market price (Section 2—723), the measure of damages for non-delivery or repudiation by the seller is the difference between the market price at the time when the buyer learned of the breach and the contract price together with any incidental and consequential damages provided in this Article (Section 2—715), but less expenses saved in consequence of the seller's breach.

(2) Market price is to be determined as of the place for tender or, in cases of rejection after arrival or revocation of acceptance, as of the place of arrival.

SECTION 2—714. *Buyer's Damages for Breach in Regard to Accepted Goods.*

(1) Where the buyer has accepted goods and given notification (subsection (3) of Section 2—607) he may recover as damages for any non-conformity of tender the loss resulting in the ordinary course of events from the seller's breach as determined in any manner which is reasonable.

(2) The measure of damages for breach of warranty is the difference at the time and place of acceptance between the value of the goods accepted and the value they would have had if they had been as warranted, unless special circumstances show proximate damages of a different amount.

(3) In a proper case any incidental and consequential damages under the next section may also be recovered.

SECTION 2—715. *Buyer's Incidental and Consequential Damages.*

(1) Incidental damages resulting from the seller's breach include expenses reasonably incurred in inspection, receipt, transportation and care and custody of goods rightfully rejected, any commercially

reasonable charges, expenses or commissions in connection with effecting cover and any other reasonable expense incident to the delay or other breach.

(2) Consequential damages resulting from the seller's breach include

- (a) any loss resulting from general or particular requirements and needs of which the seller at the time of contracting had reason to know and which could not reasonably be prevented by cover or otherwise; and
- (b) injury to person or property proximately resulting from any breach of warranty.

SECTION 2—716. *Buyer's Right to Specific Performance or Replevin.*

(1) Specific performance may be decreed where the goods are unique or in other proper circumstances.

(2) The decree for specific performance may include such terms and conditions as to payment of the price, damages, or other relief as the court may deem just.

(3) The buyer has a right of replevin for goods identified to the contract if after reasonable effort he is unable to effect cover for such goods or the circumstances reasonably indicate that such effort will be unavailing or if the goods have been shipped under reservation and satisfaction of the security interest in them has been made or tendered.

SECTION 2—717. *Deduction of Damages From the Price.*

The buyer on notifying the seller of his intention to do so may deduct all or any part of the damages resulting from any breach of the contract from any part of the price still due under the same contract.

SECTION 2—718. *Liquidation or Limitation of Damages; Deposits.*

(1) Damages for breach by either party may be liquidated in the agreement but only at an amount which is reasonable in the light of the anticipated or actual harm caused by the breach, the difficulties of proof of loss, and the inconvenience or non-feasibility of otherwise obtaining an adequate remedy. A term fixing unreasonably large liquidated damages is void as a penalty.

(2) Where the seller justifiably withholds delivery of goods because of the buyer's breach, the buyer is entitled to restitution of any amount by which the sum of his payments exceeds

(a) the amount to which the seller is entitled by virtue of terms liquidating the seller's damages in accordance with subsection (1), or

(b) in the absence of such terms, twenty per cent of the value of the total performance for which the buyer is obligated under the contract or \$500, whichever is smaller.

(3) The buyer's right to restitution under subsection (2) is subject to offset to the extent that the seller establishes

(a) a right to recover damages under the provisions of this Article other than subsection (1), and

(b) the amount or value of any benefits received by the buyer directly or indirectly by reason of the contract.

(4) Where a seller has received payment in goods their reasonable value or the proceeds of their resale shall be treated as payments for the purposes of subsection (2); but if the seller has notice of the buyer's breach before reselling goods received in part performance, his resale is subject to the conditions laid down in this Article on resale by an aggrieved seller (Section 2—706).

SECTION 2—719. *Contractual Modification or Limitation of Remedy.*

(1) Subject to the provisions of subsections (2) and (3) of this section and of the preceding section on liquidation and limitation of damages,

(a) the agreement may provide for remedies in addition to or in substitution for those provided in this Article and may limit or alter the measure of damages recoverable under this Article, as by limiting the buyer's remedies to return of the goods and repayment of the price or to repair and replacement of non-conforming goods or parts; and

(b) resort to a remedy as provided is optional unless the remedy is expressly agreed to be exclusive, in which case it is the sole remedy.

(2) Where circumstances cause an exclusive or limited remedy to fail of its essential purpose, remedy may be had as provided in this Act.

(3) Consequential damages may be limited or excluded unless the limitation or exclusion is unconscionable. Limitation of consequential damages for injury to the person in the case of consumer goods is prima facie unconscionable but limitation of damages where the loss is commercial is not.

SECTION 2—720. *Effect of "Cancellation" or "Rescission" on Claims for Antecedent Breach.*

Unless the contrary intention clearly appears, expressions of "cancellation" or "rescission" of the contract or the like shall not be construed as a renunciation or discharge of any claim in damages for an antecedent breach.

SECTION 2—721. *Remedies for Fraud.*

Remedies for material misrepresentation or fraud include all remedies available under this Article for non-fraudulent breach. Neither rescission or a claim for rescission of the contract for sale nor rejection or return of the goods shall bar or be deemed inconsistent with a claim for damages or other remedy.

SECTION 2—722. *Who Can Sue Third Parties for Injury to Goods.*

Where a third party so deals with goods which have been identified to a contract for sale as to cause actionable injury to a party to that contract

- (a) a right of action against the third party is in either party to the contract for sale who has title to or a security interest or a special property or an insurable interest in the goods; and if the goods have been destroyed or converted a right of action is also in the party who either bore the risk of loss under the contract for sale or has since the injury assumed that risk as against the other;
- (b) if at the time of the injury the party plaintiff did not bear the risk of loss as against the other party to the contract for sale and there is no arrangement between them for disposition of the recovery, his suit or settlement is, subject to his own interest, as a fiduciary for the other party to the contract; but such plaintiff shall promptly notify the other party of the institution of such action, and the other party shall have the right to intervene in such action; provided, however, that neither party shall have the right to settle the claim or right of action without the consent in writing of the other party;

- (c) either party may with the consent of the other sue for the benefit of whom it may concern.

SECTION 2—723. *Proof of Market Price: Time and Place.*

(1) If an action based on anticipatory repudiation comes to trial before the time for performance with respect to some or all of the goods, any damages based on market price (Section 2—708 or Section 2—713) shall be determined according to the price of such goods prevailing at the time when the aggrieved party learned of the repudiation.

(2) If evidence of a price prevailing at the times or places described in this Article is not readily available the price prevailing within any reasonable time before or after the time described or at any other place which in commercial judgment or under usage of trade would serve as a reasonable substitute for the one described may be used, making any proper allowance for the cost of transporting the goods to or from such other place.

(3) Evidence of a relevant price prevailing at a time or place other than the one described in this Article offered by one party is not admissible unless and until he has given the other party such notice as the court finds sufficient to prevent unfair surprise.

SECTION 2—724. *Admissibility of Market Quotations.*

Whenever the prevailing price or value of any goods regularly bought and sold in any established commodity market is in issue, reports in official publications or trade journals or in newspapers or periodicals of general circulation published as the reports of such market shall be admissible in evidence. The circumstances of the preparation of such a report may be shown to affect its weight but not its admissibility.

SECTION 2—725. *Statute of Limitations in Contracts for Sale.*

(1) An action for breach of any contract for sale must be commenced within six years after the cause of action has accrued.

(2) A cause of action accrues for breach of warranty when the breach is or should have been discovered.

(3) Where an action commenced within the time limited by subsection (1) is so terminated as to leave available a remedy by another action for the same breach such other action may be commenced after the expiration of the time limited and within six months after

the termination of the first action unless the termination resulted from voluntary discontinuance or from dismissal for failure or neglect to prosecute.

(4) This section does not alter the law on tolling of the statute of limitations nor does it apply to causes of action which have accrued before this Act becomes effective.

PART 8

FURTHER REMEDIES

SECTION 2—801. *Definitions.*

As used in this Article “person” includes an individual, his executor, administrator or other personal representative, or a corporation, partnership, association or any other legal or commercial entity, whether or not a citizen or domiciliary of this state and whether or not organized under the laws of this state.

SECTION 2—802. *Personal Jurisdiction Based Upon Enduring Relationship.*

A court may exercise personal jurisdiction over a person domiciled in, organized under the laws of, doing business, or maintaining his or its principal place of business in, this state as to any cause of action.

SECTION 2—803. *Personal Jurisdiction Based Upon Conduct.*

(1) A court may exercise personal jurisdiction over a person who acts directly or by an agent as to a cause of action arising from the person's

- (a) transacting any business in this state;
- (b) contracting to supply services or things in the state;
- (c) commission of a tortious act in whole or in part in this state;
- (d) causing tortious injury or death in this state by an act or omission outside this state if he regularly does or solicits business, or engages in any other persistent course of conduct, or derives substantial revenue from goods used or consumed or services rendered, in this state; or
- (e) having an interest in, using, or possessing real property in this state; or
- (f) contracting to insure any person, property or risk located within this state at the time of contracting; or
- (g) entry into a contract to be performed in whole or in part by either party in this state; or

- (h) production, manufacture, or distribution of goods with the reasonable expectation that those goods are to be used or consumed in this state and are so used or consumed.

(2) When jurisdiction over a person is based solely upon this section, only a cause of action arising from acts enumerated in this section may be asserted against him, and such action, if brought in this state, shall not be subject to the provisions of Section 10-310(3), 1962 Code of Laws.

SECTION 2—804. *Service Outside the State.*

When the exercise of personal jurisdiction is authorized by this section, service may be made outside the state.

SECTION 2—805. *Other Bases of Jurisdiction Unaffected.*

A court of this state may exercise jurisdiction on any other basis authorized by law.

SECTION 2—806. *Manner and Proof of Service.*

(1) When the law of this state authorizes service outside this state, the service, when reasonably calculated to give actual notice, may be made:

- (a) by personal delivery in the manner prescribed for service within the state;
- (b) in the manner prescribed by law of the place in which the service is made for service in that place in an action in any of its courts of general jurisdiction;
- (c) by any form of mail addressed to the person to be served and requiring a signed receipt; or
- (d) as directed by the court.

(2) Proof of service outside this state may be made by affidavit of the individual who made the service or in the manner prescribed by law of this state, the order pursuant to which the service is made, or the law of the place in which the service is made for proof of service in an action in any of its courts of general jurisdiction. When service is made pursuant to paragraph (c) of subsection (1) of this section, proof of service shall include a receipt signed by the addressee or other evidence of delivery to the addressee satisfactory to the court.

SECTION 2—807. *Individuals Eligible to Make Service.*

Service outside this state may be made by an individual permitted to make service of process under the law of this state or under the

law of the place in which the service is made or who is designated by a court of this state.

SECTION 2—808. *Individuals to be Served; Special Cases.*

When the law of this state requires that in order to effect service one or more designated individuals be served, service outside the state under this section must be made upon the designated individual or individuals.

SECTION 2—809. *Other Provisions of Law Unaffected.*

This article does not repeal or modify any other law of this state permitting another procedure for service.

ARTICLE 3

COMMERCIAL PAPER

Introduction

This Article represents a revision of the Uniform Negotiable Instruments Law, hereinafter referred to as the "N. I. L.," the oldest of the Uniform Commercial Laws having been promulgated by the National Conference of Commissioners on Uniform State Laws in 1896 and the only one enacted in all the states. The N. I. L. was enacted in South Sarolina in 1914, and appears in the Code of Laws of South Carolina (1962) as Sections 8-801-8-1076.

The scope of Article 3 is more limited than the N. I. L. in that it deals with only short term commercial paper—drafts, checks, certificates of deposit and promissory notes—leaving the treatment of long-term investment securities to a separate Article 8. The exclusion of investment securities from the scope of this article will solve the difficulty which has been created by requiring such securities to conform to the rigid mold of the N. I. L. Since corporate bonds and indentures usually carry collateral provisions, it has been difficult to draft them in such a way as to meet the formal requisites of negotiability under the N. I. L.

The N. I. L. only indirectly touched some of the problems arising from check collections by banks. The Bank Collection Code drafted by the American Bankers Association and enacted in large part in South Carolina was the first direct statutory attempt to regulate this highly mechanical and technical process. Article 4 of the Code is now assigned this task, expanding the coverage into a number of new detailed problems relating to the rights and duties of banks in dealing

with the depositors as well as with other banks in the process of collecting items.

The principal function of Article 3 is to modernize the law governing commercial paper, resolve a number of conflicts which have developed by the courts over the years in interpreting the N. I. L., fill in gaps not previously covered by statutory treatment and thus make the law more uniform and certain in this important area of interstate commercial transactions. This has been accomplished by Article 3 with relatively few major changes in the South Carolina Law of Commercial Paper. There has been little change in the business or banking use of commercial paper during this century and thus the drafters of this article have simply restated in more precise and concise language most of the familiar rules with some tidying up of loose ends.

ARTICLE 3

COMMERCIAL PAPER

PART 1

SHORT TITLE, FORM AND INTERPRETATION

SECTION 3—101. *Short Title.*

This Article shall be known and may be cited as Uniform Commercial Code—Commercial Paper.

SECTION 3—102. *Definitions and Index of Definitions.*

- (1) In this Article unless the context otherwise requires
 - (a) “Issue” means the first delivery of an instrument to a holder or a remitter.
 - (b) An “order” is a direction to pay and must be more than an authorization or request. It must identify the person to pay with reasonable certainty. It may be addressed to one or more such persons jointly or in the alternative but not in succession.
 - (c) A “promise” is an undertaking to pay and must be more than an acknowledgment of an obligation.
 - (d) “Secondary party” means a drawer or endorser.
 - (e) “Instrument” means a negotiable instrument.

(2) Other definitions applying to this Article and the sections in which they appear are:

- "Acceptance". Section 3—410.
- "Accommodation party". Section 3—415.
- "Alteration". Section 3—407.
- "Certificate of deposit". Section 3—104.
- "Certification". Section 3—411.
- "Check". Section 3—104.
- "Definite time". Section 3—109.
- "Dishonor". Section 3—507.
- "Draft". Section 3—104.
- "Holder in due course". Section 3—302.
- "Negotiation". Section 3—202.
- "Note". Section 3—104.
- "Notice of dishonor". Section 3—508.
- "On demand". Section 3—108.
- "Presentment". Section 3—504.
- "Protest". Section 3—509.
- "Restrictive Indorsement". Section 3—205.
- "Signature". Section 3—401.

(3) The following definitions in other Articles apply to this Article:

- "Account". Section 4—104.
- "Banking Day". Section 4—104.
- "Clearing house". Section 4—104.
- "Collecting bank". Section 4—105.
- "Customer". Section 4—104.
- "Depository Bank". Section 4—105.
- "Documentary Draft". Section 4—104.
- "Intermediary Bank". Section 4—105.
- "Item". Section 4—104.
- "Midnight deadline". Section 4—104.
- "Payor bank". Section 4—105.

(4) In addition Article 1 contains general definitions and principles of construction and interpretation applicable throughout this Article.

SECTION 3—103. *Limitations on Scope of Article.*

(1) This Article does not apply to money, documents of title or investment securities.

(2) The provisions of this Article are subject to the provisions of the Article on Bank Deposits and Collections (Article 4) and Secured Transactions (Article 9).

SECTION 3—104. *Form of Negotiable Instruments; "Draft"; "Check"; "Certificate of Deposit"; "Note".*

(1) Any writing to be a negotiable instrument within this Article must

- (a) be signed by the maker or drawer; and
- (b) contain an unconditional promise or order to pay a sum certain in money and no other promise, order, obligation or power given by the maker or drawer except as authorized by this Article; and
- (c) be payable on demand or at a definite time; and
- (d) be payable to order or to bearer.

(2) A writing which complies with the requirements of this section is

- (a) a "draft" ("bill of exchange") if it is an order;
- (b) a "check" if it is a draft drawn on a bank and payable on demand;
- (c) a "certificate of deposit" if it is an acknowledgment by a bank of receipt of money with an engagement to repay it;
- (d) a "note" if it is a promise other than a certificate of deposit.

(3) As used in other Articles of this Act, and as the context may require, the terms "draft", "check", "certificate of deposit" and "note" may refer to instruments which are not negotiable within this Article as well as to instruments which are so negotiable.

SECTION 3—105. *When Promise or Order Unconditional.*

(1) A promise or order otherwise unconditional is not made conditional by the fact that the instrument

- (a) is subject to implied or constructive conditions; or
- (b) states its consideration, whether performed or promised, or the transaction which gave rise to the instrument, or that the promise or order is made or the instrument matures in accordance with or "as per" such transaction; or
- (c) refers to or states that it arises out of a separate agreement or refers to a separate agreement for rights as to prepayment or acceleration; or
- (d) states that it is drawn under a letter of credit; or

- (e) states that it is secured, whether by mortgage, reservation of title or otherwise; or
 - (f) indicates a particular account to be debited or any other fund or source from which reimbursement is expected; or
 - (g) is limited to payment out of a particular fund or the proceeds of a particular source, if the instrument is issued by a government or governmental agency or unit; or
 - (h) is limited to payment out of the entire assets of a partnership, unincorporated association, trust or estate by or on behalf of which the instrument is issued.
- (2) A promise or order is not unconditional if the instrument
- (a) states that it is subject to or governed by any other agreement; or
 - (b) states that it is to be paid only out of a particular fund or source except as provided in this section.

SECTION 3—106. *Sum Certain.*

- (1) The sum payable is a sum certain even though it is to be paid
- (a) with stated interest or by stated installments; or
 - (b) with stated different rates of interest before and after default or a specified date; or
 - (c) with a stated discount or addition if paid before or after the date fixed for payment; or
 - (d) with exchange or less exchange, whether at a fixed rate or at the current rate; or
 - (e) with costs of collection or an attorney's fee or both upon default.
- (2) Nothing in this section shall validate any term which is otherwise illegal.

SECTION 3—107. *Money.*

- (1) An instrument is payable in money if the medium of exchange in which it is payable is money at the time the instrument is made. An instrument payable in "currency" or "current funds" is payable in money.
- (2) A promise or order to pay a sum stated in a foreign currency is for a sum certain in money and, unless a different medium of payment is specified in the instrument, may be satisfied by payment of that number of dollars which the stated foreign currency will purchase at the buying sight rate for that currency on the day on which the instrument is payable or, if payable on demand, on the day of demand.

If such an instrument specifies a foreign currency as the medium of payment the instrument is payable in that currency.

SECTION 3—108. *Payable on Demand.*

Instruments payable on demand include those payable at sight or on presentation and those in which no time for payment is stated.

SECTION 3—109. *Definite Time.*

(1) An instrument is payable at a definite time if by its terms it is payable

- (a) on or before a stated date or at a fixed period after a stated date; or
- (b) at a fixed period after sight; or
- (c) at a definite time subject to any acceleration; or
- (d) at a definite time subject to extension at the option of the holder, or to extension to a further definite time at the option of the maker or acceptor or automatically upon or after a specified act or event.

(2) An instrument which by its terms is otherwise payable only upon an act or event uncertain as to time of occurrence is not payable at a definite time even though the act or event has occurred.

SECTION 3—110. *Payable to Order.*

(1) An instrument is payable to order when by its terms it is payable to the order or assigns of any person therein specified with reasonable certainty, or to him or his order, or when it is conspicuously designated on its face as "exchange" or the like and names a payee. It may be payable to the order of

- (a) the maker or drawer; or
- (b) the drawee; or
- (c) a payee who is not maker, drawer or drawee; or
- (d) two or more payees together or in the alternative; or
- (e) an estate, trust or fund, in which case it is payable to the order of the representative of such estate, trust or fund or his successors; or
- (f) an office, or an officer by his title as such in which case it is payable to the principal but the incumbent of the office or his successors may act as if he or they were the holder; or
- (g) a partnership or unincorporated association, in which case it is payable to the partnership or association and may be indorsed or transferred by any person thereto authorized.

(2) An instrument not payable to order is not made so payable by such words as "payable upon return of this instrument properly indorsed."

(3) An instrument made payable both to order and to bearer is payable to order unless the bearer words are handwritten or typewritten.

SECTION 3—111. *Payable to Bearer.*

An instrument is payable to bearer when by its terms it is payable to

- (a) bearer or the order of bearer; or
- (b) a specified person or bearer; or
- (c) "cash" or the order of "cash", or any other indication which does not purport to designate a specific payee.

SECTION 3—112. *Terms and Omissions Not Affecting Negotiability.*

- (1) The negotiability of an instrument is not affected by
 - (a) the omission of a statement of any consideration or of the place where the instrument is drawn or payable; or
 - (b) a statement that collateral has been given to secure obligations either on the instrument or otherwise of an obligor on the instrument or that in case of default on those obligations the holder may realize on or dispose of the collateral; or
 - (c) a promise or power to maintain or protect collateral or to give additional collateral; or
 - (d) a term authorizing a confession of judgment on the instrument if it is not paid when due; or
 - (e) a term purporting to waive the benefit of any law intended for the advantage or protection of any obligor; or
 - (f) a term in a draft providing that the payee by indorsing or cashing it acknowledges full satisfaction of an obligation of the drawer; or
 - (g) a statement in a draft drawn in a set of parts (Section 3—801) to the effect that the order is effective only if no other part has been honored.
- (2) Nothing in this section shall validate any term which is otherwise illegal.

SECTION 3—113. *Seal.*

An instrument otherwise negotiable is within this Article even though it is under a seal.

SECTION 3—114. *Date, Antedating, Postdating.*

(1) The negotiability of an instrument is not affected by the fact that it is undated, antedated or postdated.

(2) Where an instrument is antedated or postdated the time when it is payable is determined by the stated date if the instrument is payable on demand or at a fixed period after date.

(3) Where the instrument or any signature thereon is dated, the date is presumed to be correct.

SECTION 3—115. *Incomplete Instruments.*

(1) When a paper whose contents at the time of signing show that it is intended to become an instrument is signed while still incomplete in any necessary respect it cannot be enforced until completed, but when it is completed in accordance with authority given it is effective as completed.

(2) If the completion is unauthorized the rules as to material alteration apply (Section 3—407), even though the paper was not delivered by the maker or drawer; but the burden of establishing that any completion is unauthorized is on the party so asserting.

SECTION 3—116. *Instruments Payable to Two or More Persons.*

An instrument payable to the order of two or more persons

- (a) if in the alternative is payable to any one of them and may be negotiated, discharged or enforced by any of them who has possession of it;
- (b) if not in the alternative is payable to all of them and may be negotiated, discharged or enforced only by all of them.

SECTION 3—117. *Instruments Payable With Words of Description.*

An instrument made payable to a named person with the addition of words describing him

- (a) as agent or officer of a specified person is payable to his principal but the agent or officer may act as if he were the holder;
- (b) as any other fiduciary for a specified person or purpose is payable to the payee and may be negotiated, discharged or enforced by him;

- (c) in any other manner is payable to the payee unconditionally and the additional words are without effect on subsequent parties.

SECTION 3—118. *Ambiguous Terms and Rules of Construction.*

The following rules apply to every instrument:

- (a) Where there is doubt whether the instrument is a draft or a note the holder may treat it as either. A draft drawn on the drawer is effective as a note.
- (b) Handwritten terms control typewritten and printed terms, and typewritten control printed.
- (c) Words control figures except that if the words are ambiguous figures control.
- (d) Unless otherwise specified a provision for interest means interest at the judgment rate at the place of payment from the date of the instrument, or if it is un-dated from the date of issue.
- (e) Unless the instrument otherwise specifies two or more persons who sign as maker, acceptor or drawer or indorser and as a part of the same transaction are jointly and severally liable even though the instrument contains such words as "I promise to pay."
- (f) Unless otherwise specified consent to extension authorizes a single extension for not longer than the original period. A consent to extension, expressed in the instrument, is binding on secondary parties and accommodation makers. A holder may not exercise his option to extend an instrument over the objection of a maker or acceptor or other party who in accordance with Section 3—604 tenders full payment when the instrument is due.

SECTION 3—119. *Other Writings Affecting Instrument.*

(1) As between the obligor and his immediate obligee or any transferee the terms of an instrument may be modified or affected by any other written agreement executed as a part of the same transaction, except that a holder in due course is not affected by any limitation of his rights arising out of the separate written agreement if he had no notice of the limitation when he took the instrument.

(2) A separate agreement does not affect the negotiability of an instrument.

SECTION 3—120. *Instruments "Payable Through" Bank.*

An instrument which states that it is "payable through" a bank or the like designates that bank as a collecting bank to make presentment but does not of itself authorize the bank to pay the instrument.

SECTION 3—121. *Instruments Payable at Bank.*

A note or acceptance which states that it is payable at a bank is not of itself an order or authorization to the bank to pay it.

SECTION 3—122. *Accrual of Cause of Action.*

- (1) A cause of action against a maker or an acceptor accrues
 - (a) in the case of a time instrument on the day after maturity;
 - (b) in the case of a demand instrument upon its date or, if no date is stated, on the date of issue.

(2) A cause of action against the obligor of a demand or time certificate of deposit accrues upon demand, but demand on a time certificate may not be made until on or after the date of maturity.

(3) A cause of action against a drawer of a draft or an endorser of an instrument accrues upon demand following his honor of the instrument. Notice of dishonor is a demand.

(4) Unless an instrument provides otherwise, interest runs at the rate provided by law for a judgment

- (a) in the case of a maker, acceptor or other primary obligor of a demand instrument, from the date of demand;
- (b) in all other cases from the date of accrual of the cause of action.

PART 2

TRANSFER AND NEGOTIATION

SECTION 3—201. *Transfer: Right to Indorsement.*

(1) Transfer of an instrument vests in the transferee such rights as the transferor has therein, except that a transferee who has himself been a party to any fraud or illegality affecting the instrument or who as a prior holder had notice of a defense or claim against it cannot improve his position by taking from a later holder in due course.

(2) A transfer of a security interest in an instrument vests the foregoing rights in the transferee to the extent of the interest transferred.

(3) Unless otherwise agreed any transfer for value of an instrument not then payable to bearer gives the transferee the specifically

enforceable right to have the unqualified indorsement of the transferor. Negotiation takes effect only when the indorsement is made and until that time there is no presumption that the transferee is the owner.

SECTION 3—202. *Negotiation.*

(1) Negotiation is the transfer of an instrument in such form that the transferee becomes a holder. If the instrument is payable to order it is negotiated by delivery with any necessary indorsement; if payable to bearer it is negotiated by delivery.

(2) An indorsement must be written by or on behalf of the holder and on the instrument or on a paper so firmly affixed thereto as to become a part thereof.

(3) An indorsement is effective for negotiation only when it conveys the entire instrument or any unpaid residue. If it purports to be of less it operates only as a partial assignment.

(4) Words of assignment, condition, waiver, guaranty, limitation or disclaimer of liability and the like accompanying an indorsement do not affect its character as an indorsement.

SECTION 3—203. *Wrong or Misspelled Name.*

Where an instrument is made payable to a person under a misspelled name or one other than his own he may indorse in that name or his own or both; but signature in both names may be required by a person paying or giving value for the instrument.

SECTION 3—204. *Special Indorsement; Blank Indorsement.*

(1) A special indorsement specifies the person to whom or to whose order it makes the instrument payable. Any instrument specially indorsed becomes payable to the order of the special indorsee and may be further negotiated only by his indorsement.

(2) An indorsement in blank specifies no particular indorsee and may consist of a mere signature. An instrument payable to order and indorsed in blank becomes payable to bearer and may be negotiated by delivery alone until specially indorsed.

(3) The holder may convert a blank indorsement into a special indorsement by writing over the signature of the indorser in blank any contract consistent with the character of the indorsement.

SECTION 3—205. *Restrictive Indorsements.*

An indorsement is restrictive which either

- (a) is conditional; or
- (b) purports to prohibit further transfer of the instrument; or
- (c) includes the words “for collection”, “for deposit”, “pay any bank”, or like terms signifying a purpose of deposit or collection; or
- (d) otherwise states that it is for the benefit or use of the indorser or of another person.

SECTION 3—206. *Effect of Restrictive Indorsement.*

(1) No restrictive indorsement prevents further transfer or negotiation of the instrument.

(2) An intermediary bank, or a payor bank which is not the depository bank, is neither given notice nor otherwise affected by a restrictive indorsement of any person except the bank's immediate transferor or the person presenting for payment.

(3) Except for an intermediary bank, any transferee under an indorsement which is conditional or includes the words “for collection”, “for deposit”, “pay any bank”, or like terms (subparagraphs (a) and (c) of Section 3-205) must pay or apply any value given by him for or on the security of the instrument consistently with the indorsement and to the extent that he does so he becomes a holder for value. In addition such transferee is a holder in due course if he otherwise complies with the requirements of Section 3-302 on what constitutes a holder in due course.

(4) The first taker under an indorsement for the benefit of the indorser or another person (subparagraph (d) of Section 3-205) must pay or apply any value given by him for or on the security of the instrument consistently with the indorsement and to the extent that he does so he becomes a holder for value. In addition such taker is a holder in due course if he otherwise complies with the requirements of Section 3-302 on what constitutes a holder in due course. A later holder for value is neither given notice nor otherwise affected by such restrictive indorsement unless he has knowledge that a fiduciary or other person has negotiated the instrument in any transaction for his own benefit or otherwise in breach of duty (subsection (2) of Section 3-304).

SECTION 3—207. *Negotiation Effective Although It May Be Rescinded.*

(1) Negotiation is effective to transfer the instrument although the negotiation is

- (a) made by an infant, a corporation exceeding its powers, or any other person without capacity; or
- (b) obtained by fraud, duress or mistake of any kind; or
- (c) part of an illegal transaction; or
- (d) made in breach of duty.

(2) Except as against a subsequent holder in due course such negotiation is in an appropriate case subject to rescission, the declaration of a constructive trust or any other remedy permitted by law.

SECTION 3—208. *Reacquisition.*

Where an instrument is returned to or reacquired by a prior party he may cancel any indorsement which is not necessary to his title and reissue or further negotiate the instrument, but any intervening party is discharged as against the reacquiring party and subsequent holders not in due course and if his indorsement has been cancelled is discharged as against subsequent holders in due course as well.

PART 3

RIGHTS OF A HOLDER

SECTION 3—301. *Rights of a Holder.*

The holder of an instrument whether or not he is the owner may transfer or negotiate it and, except as otherwise provided in Section 3-603 on payment or satisfaction, discharge it or enforce payment in his own name.

SECTION 3—302. *Holder in Due Course.*

- (1) A holder in due course is a holder who takes the instrument
 - (a) for value; and
 - (b) in good faith; and
 - (c) without notice that it is overdue or has been dishonored or of any defense against or claim to it on the part of any person.
- (2) A payee may be a holder in due course.
- (3) A holder does not become a holder in due course of an instrument:

- (a) by purchase of it at judicial sale or by taking it under legal process; or
 - (b) by acquiring it in taking over an estate; or
 - (c) by purchasing it as part of a bulk transaction not in regular course of business of the transferor.
- (4) A purchaser of a limited interest can be a holder in due course only to the extent of the interest purchased.

SECTION 3—303. *Taking for Value.*

A holder takes the instrument for value

- (a) to the extent that the agreed consideration has been performed or that he acquires a security interest in or a lien on the instrument otherwise than by legal process; or
- (b) when he takes the instrument in payment of or as security for an antecedent claim against any person whether or not the claim is due; or
- (c) when he gives a negotiable instrument for it or makes an irrevocable commitment to a third person.

SECTION 3—304. *Notice to Purchaser.*

- (1) The purchaser has notice of a claim or defense if
 - (a) the instrument is so incomplete, bears such visible evidence of forgery or alteration, or is otherwise so irregular as to call into question its validity, terms or ownership or to create an ambiguity as to the party to pay; or
 - (b) the purchaser has notice that the obligation of any party is voidable in whole or in part, or that all parties have been discharged.
- (2) The purchaser has notice of a claim against the instrument when he has knowledge that a fiduciary has negotiated the instrument in payment of or as security for his own debt or in any transaction for his own benefit or otherwise in breach of duty.
- (3) The purchaser has notice that an instrument is overdue if he has reason to know
 - (a) that any part of the principal amount is overdue or that there is an uncured default in payment of another instrument of the same series; or
 - (b) that acceleration of the instrument has been made; or
 - (c) that he is taking a demand instrument after demand has been made or more than a reasonable length of time after

its issue. A reasonable time for a check drawn and payable within the states and territories of the United States and the District of Columbia is presumed to be thirty days.

(4) Knowledge of the following facts does not of itself give the purchaser notice of a defense or claim

- (a) that the instrument is antedated or postdated;
- (b) that it was issued or negotiated in return for an executory promise or accompanied by a separate agreement, unless the purchaser has notice that a defense or claim has arisen from the terms thereof;
- (c) that any party has signed for accommodation;
- (d) that an incomplete instrument has been completed, unless the purchaser has notice of any improper completion;
- (e) that any person negotiating the instrument is or was a fiduciary;
- (f) that there has been default in payment of interest on the instrument or in payment of any other instrument, except one of the same series.

(5) The filing or recording of a document does not of itself constitute notice within the provisions of this Article to a person who would otherwise be a holder in due course.

(6) To be effective notice must be received at such time and in such manner as to give a reasonable opportunity to act on it.

SECTION 3—305. *Rights of a Holder in Due Course.*

To the extent that a holder is a holder in due course he takes the instrument free from

- (1) all claims to it on the part of any person; and
- (2) all defenses of any party to the instrument with whom the holder has not dealt except
 - (a) infancy, to the extent that it is a defense to a simple contract; and
 - (b) such other incapacity, or duress, or illegality of the transaction, as renders the obligation of the party a nullity; and
 - (c) such misrepresentation as has induced the party to sign the instrument with neither knowledge nor reasonable opportunity to obtain knowledge of its character or its essential terms; and
 - (d) discharge in insolvency proceedings; and

- (e) any other discharge of which the holder has notice when he takes the instrument.

SECTION 3—306. *Rights of One Not Holder in Due Course.*

Unless he has the rights of a holder in due course any person takes the instrument subject to

- (a) all valid claims to it on the part of any person; and
- (b) all defenses of any party which would be available in an action on a simple contract; and
- (c) the defenses of want or failure of consideration, nonperformance of any condition precedent, non-delivery, or delivery for a special purpose (Section 3-408); and
- (d) the defense that he or a person through whom he holds the instrument acquired it by theft, or that payment or satisfaction to such holder would be inconsistent with the terms of a restrictive indorsement. The claim of any third person to the instrument is not otherwise available as a defense to any party liable thereon unless the third person himself defends the action for such party.

SECTION 3—307. *Burden of Establishing Signatures, Defenses and Due Course.*

(1) Unless specifically denied in the pleadings each signature on an instrument is admitted. When the effectiveness of a signature is put in issue

- (a) the burden of establishing it is on the party claiming under the signature; but
- (b) the signature is presumed to be genuine or authorized except where the action is to enforce the obligation of a purported signer who has died or become incompetent before proof is required.

(2) When signatures are admitted or established, production of the instrument entitles a holder to recover on it unless the defendant establishes a defense.

(3) After it is shown that a defense exists a person claiming the rights of a holder in due course has the burden of establishing that he or some person under whom he claims is in all respects a holder in due course.

PART 4

LIABILITY OF PARTIES

SECTION 3—401. *Signature.*

(1) No person is liable on an instrument unless his signature appears thereon.

(2) A signature is made by use of any name, including any trade or assumed name, upon an instrument, or by any word or mark used in lieu of a written signature.

SECTION 3—402. *Signature in Ambiguous Capacity.*

Unless the instrument clearly indicates that a signature is made in some other capacity it is an indorsement.

SECTION 3—403. *Signature by Authorized Representative.*

(1) A signature may be made by an agent or other representative, and his authority to make it may be established as in other cases of representation. No particular form of appointment is necessary to establish such authority.

(2) An authorized representative who signs his own name to an instrument

(a) is personally obligated if the instrument neither names the person represented nor shows that the representative signed in a representative capacity;

(b) except as otherwise established between the immediate parties, is personally obligated if the instrument names the person represented but does not show that the representative signed in a representative capacity, or if the instrument does not name the person represented but does show that the representative signed in a representative capacity.

(3) Except as otherwise established the name of an organization proceeded or followed by the name and office of an authorized individual is a signature made in a representative capacity.

SECTION 3—404. *Unauthorized Signatures.*

(1) Any unauthorized signature is wholly inoperative as that of the person whose name is signed unless he ratifies it or is precluded from denying it; but it operates as the signature of the unauthorized signer in favor of any person who in good faith pays the instrument or takes it for value.

(2) Any unauthorized signature may be ratified for all purposes of this Article. Such ratification does not of itself affect any rights of the person ratifying against the actual signer.

SECTION 3—405. *Impostors; Signature in Name of Payee.*

(1) An indorsement by any person in the name of a named payee is effective if

- (a) an impostor by use of the mails or otherwise has induced the maker or drawer to issue the instrument to him or his confederate in the name of the payee; or
- (b) a person signing as or on behalf of a maker or drawer intends the payee to have no interest in the instrument; or
- (c) an agent or employee of the maker or drawer has supplied him with the name of the payee intending the latter to have no such interest.

(2) Nothing in this section shall affect the criminal or civil liability of the person so indorsing.

SECTION 3—406. *Negligence Contributing to Alteration or Unauthorized Signature.*

Any person who by his negligence substantially contributes to a material alteration of the instrument or to the making of an unauthorized signature is precluded from asserting the alteration or lack of authority against a holder in due course or against a drawee or other payor who pays the instrument in good faith and in accordance with the reasonable commercial standards of the drawee's or payor's business.

SECTION 3—407. *Alteration.*

(1) Any alteration of an instrument is material which changes the contract of any party thereto in any respect, including any such change in

- (a) the number or relations of the parties; or
- (b) an incomplete instrument, by completing it otherwise than as authorized; or
- (c) the writing as signed, by adding to it or by removing any part of it.

(2) As against any person other than a subsequent holder in due course

- (a) alteration by the holder which is both fraudulent and material discharges any party whose contract is thereby changed

unless that party assents or is precluded from asserting the defense;

(b) no other alteration discharges any party and the instrument may be enforced according to its original tenor, or as to incomplete instruments according to the authority given.

(3) A subsequent holder in due course may in all cases enforce the instrument according to its original tenor, and when an incomplete instrument has been completed, he may enforce it as completed.

SECTION 3—408. *Consideration.*

Want or failure of consideration is a defense as against any person not having the rights of a holder in due course (Section 3-305), except that no consideration is necessary for an instrument or obligation thereon given in payment of or as security for an antecedent obligation of any kind. Nothing in this section shall be taken to displace any statute outside this Act under which a promise is enforceable notwithstanding lack or failure of consideration. Partial failure of consideration is a defense pro tanto whether or not the failure is in an ascertained or liquidated amount.

SECTION 3—409. *Draft Not an Assignment.*

(1) A check or other draft does not of itself operate as an assignment of any funds in the hands of the drawee available for its payment, and the drawee is not liable on the instrument until he accepts it.

(2) Nothing in this section shall affect any liability in contract, tort or otherwise arising from any letter of credit or other obligation or representation which is not an acceptance.

SECTION 3—410. *Definition and Operation of Acceptance.*

(1) Acceptance is the drawee's signed engagement to honor the draft as presented. It must be written on the draft, and may consist of his signature alone. It becomes operative when completed by delivery or notification.

(2) A draft may be accepted although it has not been signed by the drawer or is otherwise incomplete or is overdue or has been dishonored.

(3) Where the draft is payable at a fixed period after sight and the acceptor fails to date his acceptance the holder may complete it by supplying a date in good faith.

SECTION 3—411. *Certification of a Check.*

(1) Certification of a check is acceptance. Where a holder procures certification the drawer and all prior indorsers are discharged.

(2) Unless otherwise agreed a bank has no obligation to certify a check.

(3) A bank may certify a check before returning it for lack of proper indorsement. If it does so the drawer is discharged.

SECTION 3—412. *Acceptance Varying Draft.*

(1) Where the drawee's proffered acceptance in any manner varies the draft as presented the holder may refuse the acceptance and treat the draft as dishonored in which case the drawee is entitled to have his acceptance cancelled.

(2) The terms of the draft are not varied by an acceptance to pay at any particular bank or place in the United States, unless the acceptance states that the draft is to be paid only at such bank or place.

(3) Where the holder assents to an acceptance varying the terms of the draft each drawer and indorser who does not affirmatively assent is discharged.

SECTION 3—413. *Contract of Maker, Drawer and Acceptor.*

(1) The maker or acceptor engages that he will pay the instrument according to its tenor at the time of his engagement or as completed pursuant to Section 3-115 on incomplete instruments.

(2) The drawer engages that upon dishonor of the draft and any necessary notice of dishonor or protest he will pay the amount of the draft to the holder or to any indorser who takes it up. The drawer may disclaim this liability by drawing without recourse.

(3) By making, drawing or accepting the party admits as against all subsequent parties including the drawee the existence of the payee and his then capacity to indorse.

SECTION 3—414. *Contract of Indorser; Order of Liability.*

(1) Unless the indorsement otherwise specifies (as by such words as "without recourse") every indorser engages that upon dishonor and any necessary notice of dishonor and protest he will pay the instrument according to its tenor at the time of his indorsement to the holder or to any subsequent indorser who takes it up, even though the indorser who takes it up was not obligated to do so.

(2) Unless they otherwise agree indorsers are liable to one another in the order in which they indorse, which is presumed to be the order in which their signatures appear on the instrument.

SECTION 3—415. *Contract of Accommodation Party.*

(1) An accommodation party is one who signs the instrument in any capacity for the purpose of lending his name to another party to it.

(2) When the instrument has been taken for value before it is due the accommodation party is liable in the capacity in which he has signed even though the taker knows of the accommodation.

(3) As against a holder in due course and without notice of the accommodation oral proof of the accommodation is not admissible to give the accommodation party the benefit of discharges dependent on his character as such. In other cases the accommodation character may be shown by oral proof.

(4) An indorsement which shows that it is not in the chain of title is notice of its accommodation character.

(5) An accommodation party is not liable to the party accommodated, and if he pays the instrument has a right of recourse on the instrument against such party.

SECTION 3—416. *Contract of Guarantor.*

(1) "Payment guaranteed" or equivalent words added to a signature mean that the signer engages that if the instrument is not paid when due he will pay it according to its tenor without resort by the holder to any other party.

(2) "Collection guaranteed" or equivalent words added to a signature mean that the signer engages that if the instrument is not paid when due he will pay it according to its tenor, but only after the holder has reduced his claim against the maker or acceptor to judgment and execution has been returned unsatisfied, or after the maker or acceptor has become insolvent or it is otherwise apparent that it is useless to proceed against him.

(3) Words of guaranty which do not otherwise specify guarantee payment.

(4) No words of guaranty added to the signature of a sole maker or acceptor affect his liability on the instrument. Such words added to the signature of one of two or more makers or acceptors create a presumption that the signature is for the accommodation of the others.

(5) When words of guaranty are used presentment, notice of dishonor and protest are not necessary to charge the user.

(6) Any guaranty written on the instrument is enforceable notwithstanding any statute of frauds.

SECTION 3—417. *Warranties on Presentment and Transfer.*

(1) Any person who obtains payment or acceptance and any prior transferor warrants to a person who in good faith pays or accepts that

- (a) he has a good title to the instrument or is authorized to obtain payment or acceptance on behalf of one who has a good title; and
- (b) he has no knowledge that the signature of the maker or drawer is unauthorized, except that this warranty is not given by a holder in due course acting in good faith
 - (i) to a maker with respect to the maker's own signature; or
 - (ii) to a drawer with respect to the drawer's own signature, whether or not the drawer is also the drawee; or
 - (iii) to an acceptor of a draft if the holder in due course took the draft after the acceptance or obtained the acceptance without knowledge that the drawer's signature was unauthorized; and
- (c) the instrument has not been materially altered, except that this warranty is not given by a holder in due course acting in good faith
 - (i) to the maker of a note; or
 - (ii) to the drawer of a draft whether or not the drawer is also the drawee; or
 - (iii) to the acceptor of a draft with respect to an alteration made prior to the acceptance if the holder in due course took the draft after the acceptance, even though the acceptance provided "payable as originally drawn" or equivalent terms; or
 - (iv) to the acceptor of a draft with respect to an alteration made after the acceptance.

(2) Any person who transfers an instrument and receives consideration warrants to his transferee and if the transfer is by in-

dorsement to any subsequent holder who takes the instrument in good faith that

- (a) he has a good title to the instrument or is authorized to obtain payment or acceptance on behalf of one who has a good title and the transfer is otherwise rightful; and
- (b) all signatures are genuine or authorized; and
- (c) the instrument has not been materially altered; and
- (d) no defense of any party is good against him; and
- (e) he has no knowledge of any insolvency proceeding instituted with respect to the maker or acceptor or the drawer of an unaccepted instrument.

(3) By transferring "without recourse" the transferor limits the obligation stated in subsection (2) (d) to a warranty that he has no knowledge of such a defense.

(4) A selling agent or broker who does not disclose the fact that he is acting only as such gives the warranties provided in this section, but if he makes such disclosure warrants only his good faith and authority.

SECTION 3—418. *Finality of Payment or Acceptance.*

Except for recovery of bank payments as provided in the Article on Bank Deposits and Collections (Article 4) and except for liability for breach of warranty on presentment under the preceding section, payment or acceptance of any instrument is final in favor of a holder in due course, or a person who has in good faith changed his position in reliance on the payment.

SECTION 3—419. *Conversion of Instrument; Innocent Representative.*

- (1) An instrument is converted when
 - (a) a drawee to whom it is delivered for acceptance refuses to return it on demand; or
 - (b) any person to whom it is delivered for payment refuses on demand either to pay or to return it; or
 - (c) it is paid on a forged indorsement.

(2) In an action against a drawee under subsection (1) the measure of the drawee's liability is the face amount of the instrument. In any other action under subsection (1) the measure of liability is presumed to be the face amount of the instrument.

(3) Subject to the provisions of this Act concerning restrictive indorsements a representative, including a depositary or collecting bank, who has in good faith and in accordance with the reasonable commercial standards applicable to the business of such representative dealt with an instrument or its proceeds on behalf of one who was not the true owner is not liable in conversion or otherwise to the true owner beyond the amount of any proceeds remaining in his hands.

(4) An intermediary bank or payor bank which is not a depositary bank is not liable in conversion solely by reason of the fact that proceeds of an item indorsed restrictively (Sections 3-205 and 3-206) are not paid or applied consistently with the restrictive indorsement of an indorser other than its immediate transferor.

PART 5

PRESENTMENT, NOTICE OF DISHONOR AND PROTEST

SECTION 3—501. *When Presentment, Notice of Dishonor, and Protest Necessary or Permissible.*

(1) Unless excused (Section 3-511) presentment is necessary to charge secondary parties as follows:

- (a) presentment for acceptance is necessary to charge the drawer and indorsers of a draft where the draft so provides, or is payable elsewhere than at the residence or place of business of the drawee, or its date of payment depends upon such presentment. The holder may at his option present for acceptance any other draft payable at a stated date;
- (b) presentment for payment is necessary to charge any indorser;
- (c) in the case of any drawer, the acceptor of a draft payable at a bank or the maker of a note payable at a bank, presentment for payment is necessary, but failure to make presentment discharges such drawer, acceptor or maker only as stated in Section 3-502(1) (b).

(2) Unless excused (Section 3-511)

- (a) notice of any dishonor is necessary to charge any indorser;
- (b) in the case of any drawer, the acceptor of a draft payable at a bank or the maker of a note payable at a bank, notice of any dishonor is necessary, but failure to give such notice

discharges such drawer, acceptor or maker only as stated in Section 3-502(1) (b).

(3) Unless excused (Section 3-511) protest of any dishonor is necessary to charge the drawer and indorsers of any draft which on its face appears to be drawn or payable outside of the states and territories of the United States and the District of Columbia. The holder may at his option make protest of any dishonor of any other instrument and in the case of a foreign draft may on insolvency of the acceptor before maturity make protest for better security.

(4) Notwithstanding any provision of this section, neither presentment nor notice of dishonor nor protest is necessary to charge an indorser who has indorsed an instrument after maturity.

SECTION 3—502. *Unexcused Delay; Discharge.*

(1) Where without excuse any necessary presentment or notice of dishonor is delayed beyond the time when it is due

(a) any indorser is discharged; and

(b) any drawer or the acceptor of a draft payable at a bank or the maker of a note payable at a bank who because the drawee or payor bank becomes insolvent during the delay is deprived of funds maintained with the drawee or payor bank to cover the instrument may discharge his liability by written assignment to the holder of his rights against the drawee or payor bank in respect of such funds, but such drawer, acceptor or maker is not otherwise discharged.

(2) Where without excuse a necessary protest is delayed beyond the time when it is due any drawer or indorser is discharged.

SECTION 3—503. *Time of Presentment.*

(1) Unless a different time is expressed in the instrument the time for any presentment is determined as follows:

(a) where an instrument is payable at or a fixed period after a stated date any presentment for acceptance must be made on or before the date it is payable;

(b) where an instrument is payable after sight it must either be presented for acceptance or negotiated within a reasonable time after date or issue whichever is later;

(c) where an instrument shows the date on which it is payable presentment for payment is due on that date;

- (d) where an instrument is accelerated presentment for payment is due within a reasonable time after the acceleration;
- (e) with respect to the liability of any secondary party presentment for acceptance or payment of any other instrument is due within a reasonable time after such party becomes liable thereon.

(2) A reasonable time for presentment is determined by the nature of the instrument, any usage of banking or trade and the facts of the particular case. In the case of an uncertified check which is drawn and payable within the United States and which is not a draft drawn by a bank the following are presumed to be reasonable periods within which to present for payment or to initiate bank collection:

- (a) with respect to the liability of the drawer, thirty days after date or issue whichever is later; and
- (b) with respect to the liability of an indorser, seven days after his indorsement.

(3) Where any presentment is due on a day which is not a full business day for either the person making presentment or the party to pay or accept, presentment is due on the next following day which is a full business day for both parties.

(4) Presentment to be sufficient must be made at a reasonable hour, and if at a bank during its banking day.

SECTION 3—504. *How Presentment Made.*

(1) Presentment is a demand for acceptance or payment made upon the maker, acceptor, drawee or other payor by or on behalf of the holder.

(2) Presentment may be made

- (a) by mail, in which event the time of presentment is determined by the time of receipt of the mail; or
- (b) through a clearing house; or
- (c) at the place of acceptance or payment specified in the instrument or if there be none at the place of business or residence of the party to accept or pay. If neither the party to accept or pay nor anyone authorized to act for him is present or accessible at such place presentment is excused.

(3) It may be made

- (a) to any one of two or more makers, acceptors, drawees or other payors; or

- (b) to any person who has authority to make or refuse the acceptance or payment.

(4) A draft accepted or a note made payable at a bank in the United States must be presented at such bank.

(5) In the cases described in Section 4-210 presentment may be made in the manner and with the result stated in that section.

SECTION 3—505. *Rights of Party to Whom Presentment Is Made.*

(1) The party to whom presentment is made may without dishonor require

- (a) exhibition of the instrument; and
- (b) reasonable identification of the person making presentment and evidence of his authority to make it if made for another; and
- (c) that the instrument be produced for acceptance or payment at a place specified in it, or if there be none at any place reasonable in the circumstances; and
- (d) a signed receipt on the instrument for any partial or full payment and its surrender upon full payment.

(2) Failure to comply with any such requirement invalidates the presentment but the person presenting has a reasonable time in which to comply and the time for acceptance or payment runs from the time of compliance.

SECTION 3—506. *Time Allowed for Acceptance or Payment.*

(1) Acceptance may be deferred without dishonor until the close of the next business day following presentment. The holder may also in a good faith effort to obtain acceptance and without either dishonor of the instrument or discharge of secondary parties allow postponement of acceptance for an additional business day.

(2) Except as a longer time is allowed in the case of documentary drafts drawn under a letter of credit, and unless an earlier time is agreed to by the party to pay, payment of an instrument may be deferred without dishonor pending reasonable examination to determine whether it is properly payable, but payment must be made in any event before the close of business on the day of presentment.

SECTION 3—507. *Dishonor; Holder's Right of Recourse; Term Allowing Re-Presentation.*

(1) An instrument is dishonored when

(a) a necessary or optional presentment is duly made and due acceptance or payment is refused or cannot be obtained within the prescribed time or in case of bank collections the instrument is seasonably returned by the midnight deadline (Section 4-301); or

(b) presentment is excused and the instrument is not duly accepted or paid.

(2) Subject to any necessary notice of dishonor and protest, the holder has upon dishonor an immediate right of recourse against the drawers and indorsers.

(3) Return of an instrument for lack of proper indorsement is not dishonor.

(4) A term in a draft or an indorsement thereof allowing a stated time for re-presentation in the event of any dishonor of the draft by nonacceptance if a time draft or by nonpayment if a sight draft gives the holder as against any secondary party bound by the term an option to waive the dishonor without affecting the liability of the secondary party and he may present again up to the end of the stated time.

SECTION 3—508. *Notice of Dishonor.*

(1) Notice of dishonor may be given to any person who may be liable on the instrument by or on behalf of the holder or any party who has himself received notice, or any other party who can be compelled to pay the instrument. In addition an agent or bank in whose hands the instrument is dishonored may give notice to his principal or customer or to another agent or bank from which the instrument was received.

(2) Any necessary notice must be given by a bank before its midnight deadline and by any other person before midnight of the third business day after dishonor or receipt of notice of dishonor.

(3) Notice may be given in any reasonable manner. It may be oral or written and in any terms which identify the instrument and state that it has been dishonored. A misdescription which does not mislead the party notified does not vitiate the notice. Sending the instrument bearing a stamp, ticket or writing stating that acceptance

or payment has been refused or sending a notice of debit with respect to the instrument is sufficient.

(4) Written notice is given when sent although it is not received.

(5) Notice to one partner is notice to each although the firm has been dissolved.

(6) When any party is in insolvency proceedings instituted after the issue of the instrument notice may be given either to the party or to the representative of his estate.

(7) When any party is dead or incompetent notice may be sent to his last known address or given to his personal representative.

(8) Notice operates for the benefit of all parties who have rights on the instrument against the party notified.

SECTION 3—509. *Protest; Noting for Protest.*

(1) A protest is a certificate of dishonor made under the hand and seal of a United States consul or vice consul or a notary public or other person authorized to certify dishonor by the law of the place where dishonor occurs. It may be made upon information satisfactory to such person.

(2) The protest must identify the instrument and certify either that due presentment has been made or the reason why it is excused and that the instrument has been dishonored by nonacceptance or nonpayment.

(3) The protest may also certify that notice of dishonor has been given to all parties or to specified parties.

(4) Subject to subsection (5) any necessary protest is due by the time that notice of dishonor is due.

(5) If, before protest is due, an instrument has been noted for protest by the officer to make protest, the protest may be made at any time thereafter as of the date of the noting.

SECTION 3—510. *Evidence of Dishonor and Notice of Dishonor.*

The following are admissible as evidence and create a presumption of dishonor and of any notice of dishonor therein shown:

- (a) a document regular in form as provided in the preceding section which purports to be a protest;
- (b) the purported stamp or writing of the drawee, payor bank or presenting bank on the instrument or accompanying it stating that acceptance or payment has been refused for reasons consistent with dishonor;

- (c) any book or record of the drawee, payor bank, or any collecting bank kept in the usual course of business which shows dishonor, even though there is no evidence of who made the entry.

SECTION 3—511. *Waived or Excused Presentment, Protest or Notice of Dishonor or Delay Therein.*

(1) Delay in presentment, protest or notice of dishonor is excused when the party is without notice that it is due or when the delay is caused by circumstances beyond his control and he exercises reasonable diligence after the cause of the delay ceases to operate.

(2) Presentment or notice or protest as the case may be is entirely excused when

- (a) the party to be charged has waived it expressly or by implication either before or after it is due; or
- (b) such party has himself dishonored the instrument or has countermanded payment or otherwise has no reason to expect or right to require that the instrument be accepted or paid; or
- (c) by reasonable diligence the presentment or protest cannot be made or the notice given.

(3) Presentment is also entirely excused when

- (a) the maker, acceptor or drawee of any instrument except a documentary draft is dead or in insolvency proceedings instituted after the issue of the instrument; or
- (b) acceptance or payment is refused but not for want of proper presentment.

(4) Where a draft has been dishonored by nonacceptance a later presentment for payment and any notice of dishonor and protest for nonpayment are excused unless in the meantime the instrument has been accepted.

(5) A waiver of protest is also a waiver of presentment and of notice of dishonor even though protest is not required.

(6) Where a waiver of presentment or notice or protest is embodied in the instrument itself it is binding upon all parties; but where it is written above the signature of an indorser it binds him only.

PART 6

DISCHARGE

SECTION 3—601. *Discharge of Parties.*

(1) The extent of the discharge of any party from liability on an instrument is governed by the sections on

- (a) payment or satisfaction (Section 3-603); or
- (b) tender of payment (Section 3-604); or
- (c) cancellation or renunciation (Section 3-605); or
- (d) impairment of right of recourse or of collateral (Section 3-606); or
- (e) reacquisition of the instrument by a prior party (Section 3-208); or
- (f) fraudulent and material alteration (Section 3-407); or
- (g) certification of a check (Section 3-411); or
- (h) acceptance varying a draft (Section 3-412); or
- (i) unexcused delay in presentment or notice of dishonor or protest (Section 3-502).

(2) Any party is also discharged from his liability on an instrument to another party by any other act or agreement with such party which would discharge his simple contract for the payment of money.

(3) The liability of all parties is discharged when any party who has himself no right of action or recourse on the instrument

- (a) reacquires the instrument in his own right; or
- (b) is discharged under any provision of this Article, except as otherwise provided with respect to discharge for impairment of recourse or of collateral (Section 3-606).

SECTION 3—602. *Effect of Discharge Against Holder in Due Course.*

No discharge of any party provided by this Article is effective against a subsequent holder in due course unless he has notice thereof when he takes the instrument.

SECTION 3—603. *Payment or Satisfaction.*

(1) The liability of any party is discharged to the extent of his payment or satisfaction to the holder even though it is made with knowledge of a claim of another person to the instrument unless prior to such payment or satisfaction the person making the claim either supplies indemnity deemed adequate by the party seeking the

discharge or enjoins payment or satisfaction by order of a court of competent jurisdiction in an action in which the adverse claimant and the holder are parties. This subsection does not, however, result in the discharge of the liability

- (a) of a party who in bad faith pays or satisfies a holder who acquired the instrument by theft or who (unless having the rights of a holder in due course) holds through one who so acquired it; or
- (b) of a party (other than an intermediary bank or a payor bank which is not a depository bank) who pays or satisfies the holder of an instrument which has been restrictively indorsed in a manner not consistent with the terms of such restrictive indorsement.

(2) Payment or satisfaction may be made with the consent of the holder by any person including a stranger to the instrument. Surrender of the instrument to such a person gives him the rights of a transferee (Section 3-201).

SECTION 3—604. *Tender of Payment.*

(1) Any party making tender of full payment to a holder when or after it is due is discharged to the extent of all subsequent liability for interest, costs and attorney's fees.

(2) The holder's refusal of such tender wholly discharges any party who has a right of recourse against the party making the tender.

(3) Where the maker or acceptor of an instrument payable otherwise than on demand is able and ready to pay at every place of payment specified in the instrument when it is due, it is equivalent to tender.

SECTION 3—605. *Cancellation and Renunciation.*

(1) The holder of an instrument may even without consideration discharge any party

- (a) in any manner apparent on the face of the instrument or the indorsement, as by intentionally cancelling the instrument or the party's signature by destruction or mutilation, or by striking out the party's signature; or
- (b) by renouncing his rights by a writing signed and delivered or by surrender of the instrument to the party to be discharged.

(2) Neither cancellation nor renunciation without surrender of the instrument affects the title thereto.

SECTION 3—606. *Impairment of Recourse or of Collateral.*

(1) The holder discharges any party to the instrument to the extent that without such party's consent the holder

- (a) without express reservation of rights releases or agrees not to sue any person against whom the party has to the knowledge of the holder a right of recourse or agrees to suspend the right to enforce against such person the instrument or collateral or otherwise discharges such person, except that failure or delay in effecting any required presentment, protest or notice of dishonor with respect to any such person does not discharge any party as to whom presentment, protest or notice of dishonor is effective or unnecessary; or
- (b) unjustifiably impairs any collateral for the instrument given by or on behalf of the party or any person against whom he has a right of recourse.

(2) By express reservation of rights against a party with a right of recourse the holder preserves

- (a) all his rights against such party as of the time when the instrument was originally due; and
- (b) the right of the party to pay the instrument as of that time; and
- (c) all rights of such party to recourse against others.

PART 7

ADVICE OF INTERNATIONAL SIGHT DRAFT

SECTION 3—701. *Letter of Advice of International Sight Draft.*

(1) A "letter of advice" is a drawer's communication to the drawee that a described draft has been drawn.

(2) Unless otherwise agreed when a bank receives from another bank a letter of advice of an international sight draft the drawee bank may immediately debit the drawer's account and stop the running of interest pro tanto. Such a debit and any resulting credit to any account covering outstanding drafts leaves in the drawer full power to stop payment or otherwise dispose of the amount and creates no trust or interest in favor of the holder.

(3) Unless otherwise agreed and except where a draft is drawn under a credit issued by the drawee, the drawee of an international sight draft owes the drawer no duty to pay an unadvised draft but if it does so and the draft is genuine, may appropriately debit the drawer's account.

PART 8

MISCELLANEOUS

SECTION 3—801. *Drafts in a Set.*

(1) Where a draft is drawn in a set of parts, each of which is numbered and expressed to be an order only if no other part has been honored, the whole of the parts constitutes one draft but a taker of any part may become a holder in due course of the draft.

(2) Any person who negotiates, indorses or accepts a single part of a draft drawn in a set thereby becomes liable to any holder in due course of that part as if it were the whole set, but as between different holders in due course to whom different parts have been negotiated the holder whose title first accrues has all rights to the draft and its proceeds.

(3) As against the drawee the first presented part of a draft drawn in a set is the part entitled to payment, or if a time draft to acceptance and payment. Acceptance of any subsequently presented part renders the drawee liable thereon under subsection (2). With respect both to a holder and to the drawer payment of a subsequently presented part of a draft payable at sight has the same effect as payment of a check notwithstanding an effective stop order (Section 4-407).

(4) Except as otherwise provided in this section, where any part of a draft in a set is discharged by payment or otherwise the whole draft is discharged.

SECTION 3—802. *Effect of Instrument on Obligation for Which It Is Given.*

(1) Unless otherwise agreed where an instrument is taken for an underlying obligation

- (a) the obligation is pro tanto discharged if a bank is drawer, maker or acceptor of the instrument and there is no recourse on the instrument against the underlying obligor; and

- (b) in any other case the obligation is suspended pro tanto until the instrument is due or if it is payable on demand until its presentment. If the instrument is dishonored action may be maintained on either the instrument or the obligation; discharge of the underlying obligor on the instrument also discharges him on the obligation.

(2) The taking in good faith of a check which is not post-dated does not of itself so extend the time on the original obligation as to discharge a surety.

SECTION 3—803. *Notice to Third Party.*

Where a defendant is sued for breach of an obligation for which a third person is answerable over under this Article he may give the third person written notice of the litigation, and the person notified may then give similar notice to any other person who is answerable over to him under this Article. If the notice states that the person notified may come in and defend and that if the person notified does not do so he will in any action against him by the person giving the notice be bound by any determination of fact common to the two litigations, then unless after seasonable receipt of the notice the person notified does come in and defend he is so bound.

SECTION 3—804. *Lost, Destroyed or Stolen Instruments.*

The owner of an instrument which is lost, whether by destruction, theft or otherwise, may maintain an action in his own name and recover from any party liable thereon upon due proof of his ownership, the facts which prevent his production of the instrument and its terms. The court may require security indemnifying the defendant against loss by reason of further claims on the instrument.

SECTION 3—805. *Instruments Not Payable to Order or to Bearer.*

This Article applies to any instrument whose terms do not preclude transfer and which is otherwise negotiable within this Article but which is not payable to order or to bearer, except that there can be no holder in due course of such an instrument.

ARTICLE 4

BANK DEPOSITS AND COLLECTIONS

Introduction to South Carolina Reporter's Comments

In 1930 the South Carolina General Assembly enacted (36 Stat. 1368) at least a large portion of the American Bankers Association (A. B. A.) Bank Collection Code. The provisions of this statute are now found in S. C. Code Sections 8-181 through 8-200. A 1949 Act (46 Stat. 173) added certain specific provisions as to the right of a depository bank to charge back against its customer items drawn upon itself which it finds to be uncollectible. The 1949 Statute appears as S. C. Code Sections 8-211 through 8-215. These are the basic code sections which the proposed Article 4 of the Uniform Commercial Code would supersede. In addition, two 1951 Negotiable Instruments Laws (S. C. Code Sections 8-1081 through 8-1083) dealing with stale checks and with stop payment orders would be superseded.

Because South Carolina has operated for many years under these Bank Collection Statutes, it is not believed that the proposed legislation would accomplish any sweeping changes in the current bank collection processes or in the rights and liabilities arising thereunder. The purpose of Article 4 has been said to be not to reform but to codify and simplify. It embraces more specific details than the A. B. A. Bank Collection Code and its effort is to announce definite black and white rules rather than general principles. The effort to make the rules "mechanical" may seem at times to have resulted in unnecessarily complex statutory syntax, but when the full meaning and implication of the rules are understood by bankers and bank lawyers, there should be established a certainty as to the handling of bank deposits and collections which has heretofore been absent.

ARTICLE 4

BANK DEPOSITS AND COLLECTIONS

PART 1

GENERAL PROVISIONS AND DEFINITIONS

SECTION 4—101. *Short Title.*

This Article shall be known and may be cited as Uniform Commercial Code—Bank Deposits and Collections.

SECTION 4—102. *Applicability.*

(1) To the extent that items within this Article are also within the scope of Articles 3 and 8, they are subject to the provisions of those Articles. In the event of conflict the provisions of this Article govern those of Article 3 but the provisions of Article 8 govern those of this Article.

(2) The liability of a bank for action or non-action with respect to any item handled by it for purposes of presentment, payment or collection is governed by the law of the place where the bank is located. In the case of action or non-action by or at a branch or separate office of a bank, its liability is governed by the law of the place where the branch or separate office is located.

SECTION 4—103. *Variation by Agreement; Measure of Damages; Certain Action Constituting Ordinary Care.*

(1) The effect of the provisions of this Article may be varied by agreement except that no agreement can disclaim a bank's responsibility for its own lack of good faith or failure to exercise ordinary care or can limit the measure of damages for such lack or failure; but the parties may by agreement determine the standards by which such responsibility is to be measured if such standards are not manifestly unreasonable.

(2) Federal Reserve regulations and operating letters, clearing house rules, and the like, have the effect of agreements under subsection (1), whether or not specifically assented to by all parties interested in items handled.

(3) Action or non-action approved by this Article or pursuant to Federal Reserve regulations or operating letters constitutes the

exercise of ordinary care and, in the absence of special instructions, action or non-action consistent with clearing house rules and the like or with a general banking usage not disapproved by this Article, prima facie constitutes the exercise of ordinary care.

(4) The specification or approval of certain procedures by this Article does not constitute disapproval of other procedures which may be reasonable under the circumstances.

(5) The measure of damages for failure to exercise ordinary care in handling an item is the amount of the item reduced by an amount which could not have been realized by the use of ordinary care, and where there is bad faith it includes other damages, if any, suffered by the party as a proximate consequence.

SECTION 4—104. *Definitions and Index of Definitions.*

(1) In this Article unless the context otherwise requires

- (a) "Account" means any account with a bank and includes a checking, time, interest or savings account;
- (b) "Afternoon" means the period of a day between noon and midnight;
- (c) "Banking day" means that part of any day on which a bank is open to the public for carrying on substantially all of its banking functions;
- (d) "Clearing house" means any association of banks or other payors regularly clearing items;
- (e) "Customer" means any person having an account with a bank or for whom a bank has agreed to collect items and includes a bank carrying an account with another bank;
- (f) "Documentary draft" means any negotiable or non-negotiable draft with accompanying documents, securities or other papers to be delivered against honor of the draft;
- (g) "Item" means any instrument for the payment of money even though it is not negotiable but does not include money;
- (h) "Midnight deadline" with respect to a bank is midnight on its next banking day following the banking day on which it receives the relevant item or notice or from which the time for taking action commences to run, whichever is later;
- (i) "Properly payable" includes the availability of funds for payment at the time of decision to pay or dishonor;

- (j) "Settle" means to pay in cash, by clearing house settlement, in a charge or credit or by remittance, or otherwise as instructed. A settlement may be either provisional or final;
- (k) "Suspends payments" with respect to a bank means that it has been closed by order of the supervisory authorities, that a public officer has been appointed to take it over or that it ceases or refuses to make payments in the ordinary course of business.

(2) Other definitions applying to this Article and the sections in which they appear are:

"Collecting bank"	Section 4—105.
"Depositary bank"	Section 4—105.
"Intermediary bank"	Section 4—105.
"Payor bank"	Section 4—105.
"Presenting bank"	Section 4—105.
"Remitting bank"	Section 4—105.

(3) The following definitions in other Articles apply to this Article:

"Acceptance"	Section 3—410.
"Certificate of deposit"	Section 3—104.
"Certification"	Section 3—411.
"Check"	Section 3—104.
"Draft"	Section 3—104.
"Holder in due course"	Section 3—302.
"Notice of dishonor"	Section 3—508.
"Presentment"	Section 3—504.
"Protest"	Section 3—509.
"Secondary party"	Section 3—102.

(4) In addition Article 1 contains general definitions and principles of construction and interpretation applicable throughout this Article.

SECTION 4—105. "*Depositary Bank*"; "*Intermediary Bank*"; "*Collecting Bank*"; "*Payor Bank*"; "*Presenting Bank*"; "*Remitting Bank*".

In this Article unless the context otherwise requires:

- (a) "Depositary bank" means the first bank to which an item is transferred for collection even though it is also the payor bank;

- (b) "Payor bank" means a bank by which an item is payable as drawn or accepted;
- (c) "Intermediary bank" means any bank to which an item is transferred in course of collection except the depository or payor bank;
- (d) "Collecting bank" means any bank handling the item for collection except the payor bank;
- (e) "Presenting bank" means any bank presenting an item except a payor bank;
- (f) "Remitting bank" means any payor or intermediary bank remitting for an item.

SECTION 4—106. *Separate Office of a Bank.*

A branch or separate office of a bank maintaining its own deposit ledgers is a separate bank for the purpose of computing the time within which and determining the place at or to which action may be taken or notices or orders shall be given under this Article and under Article 3.

SECTION 4—107. *Time of Receipt of Items.*

(1) For the purpose of allowing time to process items, prove balances and make the necessary entries on its books to determine its position for the day, a bank may fix an afternoon hour of two P. M. or later as a cut-off hour for the handling of money and items and the making of entries on its books.

(2) Any item or deposit of money received on any day after a cut-off hour so fixed or after the close of the banking day may be treated as being received at the opening of the next banking day.

SECTION 4—108. *Delays.*

(1) Unless otherwise instructed, a collecting bank in a good faith effort to secure payment may, in the case of specific items and with or without the approval of any person involved, waive, modify or extend time limits imposed or permitted by this Act for a period not in excess of an additional banking day without discharge of secondary parties and without liability to its transferor or any prior party.

(2) Delay by a collecting bank or payor bank beyond time limits prescribed or permitted by this Act or by instructions is excused if caused by interruption of communication facilities, suspension of payments by another bank, war, emergency conditions or other cir-

cumstances beyond the control of the bank provided it exercises such diligence as the circumstances require.

SECTION 4—109. *Process of Posting.*

The “process of posting” means the usual procedure followed by a payor bank in determining to pay an item and in recording the payment including one or more of the following or other steps as determined by the bank:

- (a) verification of any signature;
- (b) ascertaining that sufficient funds are available;
- (c) affixing a “paid” or other stamp;
- (d) entering a charge or entry to a customer’s account;
- (e) correcting or reversing an entry or erroneous action with respect to the item.

PART 2

COLLECTION OF ITEMS: DEPOSITARY AND
COLLECTING BANKS

SECTION 4—201. *Presumption and Duration of Agency Status of Collecting Banks and Provisional Status of Credits; Applicability of Article; Item Indorsed “Pay Any Bank”.*

(1) Unless a contrary intent clearly appears and prior to the time that a settlement given by a collecting bank for an item is or becomes final (subsection (3) of Section 4—211 and Sections 4—212 and 4—213) the bank is an agent or sub-agent of the owner of the item and any settlement given for the item is provisional. This provision applies regardless of the form of indorsement or lack of indorsement and even though credit given for the item is subject to immediate withdrawal as of right or is in fact withdrawn; but the continuance of ownership of an item by its owner and any rights of the owner to proceeds of the item are subject to rights of a collecting bank such as those resulting from outstanding advances on the item and valid rights of setoff. When an item is handled by banks for purposes of presentment, payment and collection, the relevant provisions of this Article apply even though action of parties clearly establishes that a particular bank has purchased the item and is the owner of it.

(2) After an item has been indorsed with the words “pay any bank” or the like, only a bank may acquire the rights of a holder

- (a) until the item has been returned to the customer initiating collection; or
- (b) until the item has been specially indorsed by a bank to a person who is not a bank.

SECTION 4—202. *Responsibility for Collection; When Action Seasonable.*

- (1) A collecting bank must use ordinary care in
 - (a) presenting an item or sending it for presentment; and
 - (b) sending notice of dishonor or non-payment or returning an item other than a documentary draft to the bank's transferor or directly to the depository bank under subsection (2) of Section 4—212 after learning that the item has not been paid or accepted, as the case may be; and
 - (c) settling for an item when the bank receives final settlement; and
 - (d) making or providing for any necessary protest; and
 - (e) notifying its transferor of any loss or delay in transit within a reasonable time after discovery thereof.

(2) A collecting bank taking proper action before its midnight deadline following receipt of an item, notice or payment acts seasonably; taking proper action within a reasonably longer time may be seasonable but the bank has the burden of so establishing.

(3) Subject to subsection (1) (a), a bank is not liable for the insolvency, neglect, misconduct, mistake or default of another bank or person or for loss or destruction of an item in transit or in the possession of others.

SECTION 4—203. *Effect of Instructions.*

Subject to the provisions of Article 3 concerning conversion of instruments (Section 3—419) and the provisions of both Article 3 and this Article concerning restrictive indorsements only a collecting bank's transferor can give instructions which affect the bank or constitute notice to it and a collecting bank is not liable to prior parties for any action taken pursuant to such instructions or in accordance with any agreement with its transferor.

SECTION 4—204. *Methods of Sending and Presenting; Sending Direct to Payor Bank.*

(1) A collecting bank must send items by reasonably prompt method taking into consideration any relevant instructions, the nature

of the item, the number of such items on hand, and the cost of collection involved and the method generally used by it or others to present such items.

(2) A collecting bank may send

- (a) any item direct to the payor bank;
- (b) any item to any non-bank payor if authorized by its transferor; and
- (c) any item other than documentary drafts to any non-bank payor, if authorized by Federal Reserve regulation or operating letter, clearing house rule or the like.

(3) Presentment may be made by a presenting bank at a place where the payor bank has requested that presentment be made.

SECTION 4—205. *Supplying Missing Indorsement; No Notice from Prior Indorsement.*

(1) A depository bank which has taken an item for collection may supply any indorsement of the customer which is necessary to title unless the item contains the words "payee's indorsement required" or the like. In the absence of such a requirement a statement placed on the item by the depository bank to the effect that the item was deposited by a customer or credited to his account is effective as the customer's indorsement.

(2) An intermediary bank, or payor bank which is not a depository bank, is neither given notice nor otherwise affected by a restrictive indorsement of any person except the bank's immediate transferor.

SECTION 4—206. *Transfer Between Banks.*

Any agreed method which identifies the transferor bank is sufficient for the item's further transfer to another bank.

SECTION 4—207. *Warranties of Customer and Collecting Bank on Transfer or Presentment of Items; Time for Claims.*

(1) Each customer or collecting bank who obtains payment or acceptance of an item and each prior customer and collecting bank warrants to the payor bank or other payor who in good faith pays or accepts the item that

- (a) he has a good title to the item or is authorized to obtain payment or acceptance on behalf of one who has a good title;

- (b) he has no knowledge that the signature of the maker or drawer is unauthorized, except that this warranty is not given by any customer or collecting bank that is a holder in due course and acts in good faith
 - (i) to a maker with respect to the maker's own signature; or
 - (ii) to a drawer with respect to the drawer's own signature, whether or not the drawer is also the drawee; or
 - (iii) to an acceptor of an item if the holder in due course took the item after the acceptance or obtained the acceptance without knowledge that the drawer's signature was unauthorized; and
 - (c) the item has not been materially altered, except that this warranty is not given by any customer or collecting bank that is a holder in due course and acts in good faith
 - (i) to the maker of a note; or
 - (ii) to the drawer of a draft whether or not the drawer is also the drawee; or
 - (iii) to the acceptor of an item with respect to an alteration made prior to the acceptance if the holder in due course took the item after the acceptance, even though the acceptance provided "payable as originally drawn" or equivalent terms; or
 - (iv) to the acceptor of an item with respect to an alteration made after the acceptance.
- (2) Each customer and collecting bank who transfers an item and receives a settlement or other consideration for it warrants to his transferee and to any subsequent collecting bank who takes the item in good faith that
- (a) he has a good title to the item or is authorized to obtain payment or acceptance on behalf of one who has a good title and the transfer is otherwise rightful; and
 - (b) all signatures are genuine or authorized; and
 - (c) the item has not been materially altered; and
 - (d) no defense of any party is good against him; and
 - (e) he has no knowledge of any insolvency proceeding instituted with respect to the maker or acceptor or the drawer of an unaccepted item.

In addition each customer and collecting bank so transferring an item and receiving a settlement or other consideration engages that upon

dishonor and any necessary notice of dishonor and protest he will take up the item.

(3) The warranties and the engagement to honor set forth in the two preceding subsections arise notwithstanding the absence of indorsement or words of guaranty or warranty in the transfer or presentment and a collecting bank remains liable for their breach despite remittance to its transferor. Damages for breach of such warranties or engagement to honor shall not exceed the consideration received by the customer or collecting bank responsible plus finance charges and expenses related to the item, if any.

(4) Unless a claim for breach of warranty under this section is made within a reasonable time after the person claiming learns of the breach, the person liable is discharged to the extent of any loss caused by the delay in making claim.

SECTION 4—208. *Security Interest of Collecting Bank in Items, Accompanying Documents and Proceeds.*

(1) A bank has a security interest in an item and any accompanying documents or the proceeds of either

- (a) in case of an item deposited in an account to the extent to which credit given for the item has been withdrawn or applied;
- (b) in case of an item for which it has given credit available for withdrawal as of right, to the extent of the credit given whether or not the credit is drawn upon and whether or not there is a right of charge-back; or
- (c) if it makes an advance on or against the item.

(2) When credit which has been given for several items received at one time or pursuant to a single agreement is withdrawn or applied in part the security interest remains upon all the items, any accompanying documents or the proceeds of either. For the purpose of this section, credits first given are first withdrawn.

(3) Receipt by a collecting bank of a final settlement for an item is a realization on its security interest in the item, accompanying documents and proceeds. To the extent and so long as the bank does not receive final settlement for the item or give up possession of the item or accompanying documents for purposes other than collection, the security interest continues and is subject to the provisions of Article 9 except that

- (a) no security agreement is necessary to make the security interest enforceable (subsection (1) (b) of Section 9—203); and
- (b) no filing is required to perfect the security interest; and
- (c) the security interest has priority over conflicting perfected security interests in the item, accompanying documents or proceeds.

SECTION 4—209. *When Bank Gives Value for Purposes of Holder in Due Course.*

For purposes of determining its status as a holder in due course, the bank has given value to the extent that it has a security interest in an item provided that the bank otherwise complies with the requirements of Section 3—302 on what constitutes a holder in due course.

SECTION 4—210. *Presentment by Notice of Item Not Payable by, Through or at a Bank; Liability of Secondary Parties.*

(1) Unless otherwise instructed, a collecting bank may present an item not payable by, through or at a bank by sending to the party to accept or pay a written notice that the bank holds the item for acceptance or payment. The notice must be sent in time to be received on or before the day when presentment is due and the bank must meet any requirement of the party to accept or pay under Section 3—505 by the close of the bank's next banking day after it knows of the requirement.

(2) Where presentment is made by notice and neither honor nor request for compliance with a requirement under Section 3—505 is received by the close of business on the day after maturity or in the case of demand items by the close of business on the third banking day after notice was sent, the presenting bank may treat the item as dishonored and charge any secondary party by sending him notice of the facts.

SECTION 4—211. *Media of Remittance; Provisional and Final Settlement in Remittance Cases.*

- (1) A collecting bank may take in settlement of an item
 - (a) a check of the remitting bank or of another bank on any bank except the remitting bank; or

- (b) a cashier's check or similar primary obligation of a remitting bank which is a member of or clears through a member of the same clearing house or group as the collecting bank; or
- (c) appropriate authority to charge an account of the remitting bank or of another bank with the collecting bank; or
- (d) if the item is drawn upon or payable by a person other than a bank, a cashier's check, certified check or other bank check or obligation.

(2) If before its midnight deadline the collecting bank properly dishonors a remittance check or authorization to charge on itself or presents or forwards for collection a remittance instrument of or on another bank which is of a kind approved by subsection (1) or has not been authorized by it, the collecting bank is not liable to prior parties in the event of the dishonor of such check, instrument or authorization.

(3) A settlement for an item by means of a remittance instrument or authorization to charge is or becomes a final settlement as to both the person making and the person receiving the settlement

- (a) if the remittance instrument or authorization to charge is of a kind approved by subsection (1) or has not been authorized by the person receiving the settlement and in either case the person receiving the settlement acts seasonably before its midnight deadline in presenting, forwarding for collection or paying the instrument or authorization,—at the time the remittance instrument or authorization is finally paid by the payor by which it is payable;
- (b) if the person receiving the settlement has authorized remittance by a non-bank check or obligation or by a cashier's check or similar primary obligation of or a check upon the payor or other remitting bank which is not of a kind approved by subsection (1) (b),—at the time of the receipt of such remittance check or obligation; or
- (c) if in a case not covered by sub-paragraphs (a) or (b) the person receiving the settlement fails to seasonably present, forward for collection, pay or return a remittance instrument or authorization to it to charge before its midnight deadline,—at such midnight deadline.

SECTION 4—212. *Right of Charge-Back or Refund.*

(1) If a collecting bank has made provisional settlement with its customer for an item and itself fails by reason of dishonor, suspension

of payments by a bank or otherwise to receive a settlement for the item which is or becomes final, the bank may revoke the settlement given by it, charge back the amount of any credit given for the item to its customer's account or obtain refund from its customer whether or not it is able to return the items if by its midnight deadline or within a longer reasonable time after it learns the facts it returns the item or sends notification of the facts. These rights to revoke, charge-back and obtain refund terminate if and when a settlement for the item received by the bank is or becomes final (subsection (3) of Section 4—211 and subsections (2) and (3) of Section 4—213).

(2) Within the time and manner prescribed by this section and Section 4-301, an intermediary or payor bank, as the case may be, may return an unpaid item directly to the depositary bank and may send for collection a draft on the depositary bank and obtain reimbursement. In such case, if the depositary bank has received provisional settlement for the item; it must reimburse the bank drawing the draft and any provisional credits for the item between banks shall become and remain final.

(3) A depositary bank which is also the payor may charge-back the amount of an item to its customer's account or obtain refund in accordance with the section governing return of an item received by a payor bank for credit on its books (Section 4—301).

(4) The right to charge-back is not affected by

- (a) prior use of the credit given for the item; or
- (b) failure by any bank to exercise ordinary care with respect to the item but any bank so failing remains liable.

(5) A failure to charge-back or claim refund does not affect other rights of the bank against the customer or any other party.

(6) If credit is given in dollars as the equivalent of the value of an item payable in a foreign currency the dollar amount of any charge-back or refund shall be calculated on the basis of the buying sight rate for the foreign currency prevailing on the day when the person entitled to the charge-back or refund learns that it will not receive payment in ordinary course.

SECTION 4—213. *Final Payment of Item by Payor Bank; When Provisional Debits and Credits Become Final; When Certain Credits Become Available for Withdrawal.*

(1) An item is finally paid by a payor bank when the bank has done any of the following, whichever happens first:

- (a) paid the item in cash; or
- (b) settled for the item without reserving a right to revoke the settlement and without having such right under statute, clearing house rule or agreement; or
- (c) completed the process of posting the item to the indicated account of the drawer, maker or other person to be charged therewith; or
- (d) made a provisional settlement for the item and failed to revoke the settlement in the time and manner permitted by statute, clearing house rule or agreement.

Upon a final payment under subparagraphs (b), (c) or (d) the payor bank shall be accountable for the amount of the item.

(2) If provisional settlement for an item between the presenting and payor banks is made through a clearing house or by debits or credits in an account between them, then to the extent that provisional debits or credits for the item are entered in accounts between the presenting and payor banks or between the presenting and successive prior collecting bank seriatim, they become final upon final payment of the item by the payor bank.

(3) If a collecting bank receives a settlement for an item which is or becomes final (subsection (3) of Section 4—211, subsection (2) of Section 4—213) the bank is accountable to its customer for the amount of the item and any provisional credit given for the item in an account with its customer becomes final.

(4) Subject to any right of the bank to apply the credit to an obligation of the customer, credit given by a bank for an item in an account with its customer becomes available for withdrawal as of right

- (a) in any case where the bank has received a provisional settlement for the item,—when such settlement becomes final and the bank has had a reasonable time to learn that the settlement is final;
- (b) in any case where the bank is both a depository bank and a payor bank and the item is finally paid,—at the opening of the bank's second banking day following receipt of the item.

(5) A deposit of money in a bank is final when made but, subject to any right of the bank to apply the deposit to an obligation of the customer, the deposit becomes available for withdrawal as of right at the opening of the bank's next banking day following receipt of the deposit

SECTION 4—214. *Insolvency and Preference.*

(1) Any item in or coming into the possession of a payor or collecting bank which suspends payment and which item is not finally paid shall be returned by the receiver, trustee or agent in charge of the closed bank to the presenting bank or the closed bank's customer.

(2) If a payor bank finally pays an item and suspends payments without making a settlement for the item with its customer or the presenting bank which settlement is or becomes final, the owner of the item has a preferred claim against the payor bank.

(3) If a payor bank gives or a collecting bank gives or receives a provisional settlement for an item and thereafter suspends payments, the suspension does not prevent or interfere with the settlement becoming final if such finality occurs automatically upon the lapse of certain time or the happening of certain events (subsection (3) of Section 4—211, subsections (1) (d), (2) and (3) of Section 4—213).

(4) If a collecting bank receives from subsequent parties settlement for an item which settlement is or becomes final and suspends payments without making a settlement for the item with its customer which is or becomes final, the owner of the item has a preferred claim against such collecting bank.

PART 3

COLLECTION OF ITEMS: PAYOR BANKS

SECTION 4—301. *Deferred Posting; Recovery of Payment by Return of Items; Time of Dishonor.*

(1) Where an authorized settlement for a demand item (other than a documentary draft) received by a payor bank otherwise than for immediate payment over the counter has been made before midnight of the banking day of receipt the payor bank may revoke the settlement and recover any payment if before it has made final payment (subsection (1) of Section 4—213) and before its midnight deadline it

(a) returns the item; or

(b) sends written notice of dishonor or nonpayment if the item is held for protest or is otherwise unavailable for return.

(2) If a demand item is received by a payor bank for credit on its books it may return such item or send notice of dishonor and may

revoke any credit given or recover the amount thereof withdrawn by its customer, if it acts within the time limit and in the manner specified in the preceding subsection.

(3) Unless previous notice of dishonor has been sent an item is dishonored at the time when for purposes of dishonor it is returned or notice sent in accordance with this section.

(4) An item is returned:

- (a) as to an item received through a clearing house, when it is delivered to the presenting or last collecting bank or to the clearing house or is sent or delivered in accordance with its rules; or
- (b) in all other cases, when it is sent or delivered to the bank's customer or transferor or pursuant to his instructions.

SECTION 4—302. *Payor Bank's Responsibility for Late Return of Item.*

In the absence of a valid defense such as breach of a presentment warranty (subsection (1) of Section 4—207), settlement effected or the like, if an item is presented on and received by a payor bank the bank is accountable for the amount of

- (a) a demand item other than a documentary draft whether properly payable or not if the bank, in any case where it is not also the depository bank, retains the item beyond midnight of the banking day of receipt without settling for it or, regardless of whether it is also the depository bank, does not pay or return the item or send notice of dishonor until after its midnight deadline; or
- (b) any other properly payable item unless within the time allowed for acceptance or payment of that item the bank either accepts or pays the item or returns it and accompanying documents.

SECTION 4—303. *When Items Subject to Notice, Stop-Order, Legal Process or Setoff; Order in Which Items May Be Charged or Certified.*

(1) Any knowledge, notice or stop-order received by, legal process served upon or setoff exercised by a payor bank, whether or not effective under other rules of law to terminate, suspend or modify the bank's right or duty to pay an item or to charge its customer's account for the item, comes too late to so terminate, suspend or modify such right or duty if the knowledge, notice, stop-order or legal proc-

ess is received or served and a reasonable time for the bank to act thereon expires or the setoff is exercised after the bank has done any of the following:

- (a) accepted or certified the item;
- (b) paid the item in cash;
- (c) settled for the item without reserving a right to revoke the settlement and without having such right under statute, clearing house rule or agreement;
- (d) completed the process of posting the item to the indicated account of the drawer, maker or other person to be charged therewith or otherwise has evidenced by examination of such indicated account and by action its decision to pay the item; or
- (e) become accountable for the amount of the item under subsection (1) (d) of Section 4—213 and Section 4—302 dealing with the payor bank's responsibility for late return of items.

(2) Subject to the provisions of subsection (1) items may be accepted, paid, certified or charged to the indicated account of its customer in any order convenient to the bank.

PART 4

RELATIONSHIP BETWEEN PAYOR BANK AND ITS CUSTOMER

SECTION 4—401. *When Bank May Charge Customer's Account.*

(1) As against its customer, a bank may charge against his account any item which is otherwise properly payable from that account even though the charge creates an overdraft.

(2) A bank which in good faith makes payment to a holder may charge the indicated account of its customer according to

- (a) the original tenor of his altered item; or
- (b) the tenor of his completed item, even though the bank knows the item has been completed unless the bank has notice that the completion was improper.

SECTION 4—402. *Bank's Liability to Customer for Wrongful Dishonor.*

A payor bank is liable to its customer for damages proximately caused by the wrongful dishonor of an item. When the dishonor

occurs through mistake liability is limited to actual damages proved. If so proximately caused and proved damages may include damages for an arrest or prosecution of the customer or other consequential damages. Whether any consequential damages are proximately caused by the wrongful dishonor is a question of fact to be determined in each case.

SECTION 4—403. *Customer's Right to Stop Payment; Burden of Proof of Loss.*

(1) A customer may by order to his bank stop payment of any item payable for his account but the order must be received at such time and in such manner as to afford the bank a reasonable opportunity to act on it prior to any action by the bank with respect to the item described in Section 4—303.

(2) An oral order is binding upon the bank only for fourteen calendar days unless confirmed in writing within that period. A written order is effective for only six months unless renewed in writing.

(3) The burden of establishing the fact and amount of loss resulting from the payment of an item contrary to a binding stop payment order is on the customer.

SECTION 4—404. *Bank Not Obligated to Pay Check More Than Six Months Old.*

A bank is under no obligation to a customer having a checking account to pay a check, other than a certified check, which is presented more than six months after its date, but it may charge its customer's account for a payment made thereafter in good faith.

SECTION 4—405. *Death or Incompetence of Customer.*

(1) A payor or collecting bank's authority to accept, pay or collect an item or to account for proceeds of its collection if otherwise effective is not rendered ineffective by incompetence of a customer of either bank existing at the time the item is issued or its collection is undertaken if the bank does not know of an adjudication of incompetence. Neither death nor incompetence of a customer revokes such authority to accept, pay, collect or account until the bank knows of the fact of death or of an adjudication of incompetence and has reasonable opportunity to act on it.

(2) Even with knowledge a bank may for ten days after the date of death pay or certify checks drawn on or prior to that date unless

ordered to stop payment by a person claiming an interest in the account.

SECTION 4—406. *Customer's Duty to Discover and Report Unauthorized Signature or Alteration.*

(1) When a bank sends to its customer a statement of account accompanied by items paid in good faith in support of the debit entries or holds the statement and items pursuant to a request or instructions of its customer or otherwise in a reasonable manner makes the statement and items available to the customer, the customer must exercise reasonable care and promptness to examine the statement and items to discover his unauthorized signature or any alteration on an item and must notify the bank promptly after discovery thereof.

(2) If the bank establishes that the customer failed with respect to an item to comply with the duties imposed on the customer by subsection (1) the customer is precluded from asserting against the bank

- (a) his unauthorized signature or any alteration on the item if the bank also establishes that it suffered a loss by reason of such failure; and
- (b) an unauthorized signature or alteration by the same wrongdoer on any other item paid in good faith by the bank after the first item and statement was available to the customer for a reasonable period not exceeding fourteen calendar days and before the bank receives notification from the customer of any such unauthorized signature or alteration.

(3) The preclusion under subsection (2) does not apply if the customer establishes lack of ordinary care on the part of the bank in paying the item(s).

(4) Without regard to care or lack of care of either the customer or the bank a customer who does not within one year from the time the statement and items are made available to the customer (subsection (1)) discover and report his unauthorized signature or any alteration on the face or back of the item or does not within three years from that time discover and report any unauthorized indorsement is precluded from asserting against the bank such unauthorized signature or indorsement or such alteration.

(5) If under this section a payor bank has a valid defense against a claim of a customer upon or resulting from payment of an item and waives or fails upon request to assert the defense the bank may

not assert against any collecting bank or other prior party presenting or transferring the item a claim based upon the unauthorized signature or alteration giving rise to the customer's claim.

SECTION 4—407. *Payor Bank's Right to Subrogation on Improper Payment.*

If a payor bank has paid an item over the stop payment order of the drawer or maker or otherwise under circumstances giving a basis for objection by the drawer or maker, to prevent unjust enrichment and only to the extent necessary to prevent loss to the bank by reason of its payment of the item, the payor bank shall be subrogated to the rights

- (a) of any holder in due course on the item against the drawer or maker; and
- (b) of the payee or any other holder of the item against the drawer or maker either on the item or under the transaction out of which the item arose; and
- (c) of the drawer or maker against the payee or any other holder of the item with respect to the transaction out of which the item arose.

PART 5

COLLECTION OF DOCUMENTARY DRAFTS

SECTION 4—501. *Handling of Documentary Drafts; Duty to Send for Presentment and to Notify Customer of Dishonor.*

A bank which takes a documentary draft for collection must present or send the draft and accompanying documents for presentment and upon learning that the draft has not been paid or accepted in due course must seasonably notify its customer of such fact even though it may have discounted or bought the draft or extended credit available for withdrawal as of right.

SECTION 4—502. *Presentment of "On Arrival" Drafts.*

When a draft or the relevant instructions require presentment "on arrival", "when goods arrive" or the like, the collecting bank need not present until in its judgment a reasonable time for arrival of the goods has expired. Refusal to pay or accept because the goods have not arrived is not dishonor; the bank must notify its transferor of such refusal but need not present the draft again until it is instructed to do so or learns of the arrival of the goods.

SECTION 4—503. *Responsibility of Presenting Bank for Documents and Goods; Report of Reasons for Dishonor; Referee in Case of Need.*

Unless otherwise instructed and except as provided in Article 5 a bank presenting a documentary draft

- (a) must deliver the documents to the drawee on acceptance of the draft if it is payable more than three days after presentment; otherwise, only on payment; and
- (b) upon dishonor, either in the case of presentment for acceptance or presentment for payment, may seek and follow instructions from any referee in case of need designated in the draft or if the presenting bank does not choose to utilize his services it must use diligence and good faith to ascertain the reason for dishonor, must notify its transferor of the dishonor and of the results of its effort to ascertain the reasons therefor and must request instructions.

But the presenting bank is under no obligation with respect to goods represented by the documents except to follow any reasonable instructions seasonably received; it has a right to reimbursement for any expense incurred in following instructions and to prepayment of or indemnity for such expenses.

SECTION 4—504. *Privilege of Presenting Bank to Deal With Goods; Security Interest for Expenses.*

(1) A presenting bank which, following the dishonor of a documentary draft, has seasonably requested instructions but does not receive them within a reasonable time may store, sell, or otherwise deal with the goods in any reasonable manner.

(2) For its reasonable expenses incurred by action under subsection (1) the presenting bank has a lien upon the goods or their proceeds, which may be foreclosed in the same manner as an unpaid seller's lien.

ARTICLE 5

LETTERS OF CREDIT

Introduction

Article 5 deals principally with the Commercial Letter of Credit issued by a financier of a sales transaction to the seller agreeing to accept drafts or pay the purchase price upon receipt of the documents which represent the goods. Thus the seller has the assurance of

payment from the issuing financial institution in place of the promise of the individual buyer. The buyer makes an arrangement with the issuer of the letter for repayment, in return for the documents, and the seller can usually obtain payment upon shipment of the goods by having a draft backed by a letter of credit discounted with his bank.

Most international sales transactions are financed by the letter of credit device issued by the larger national banks with foreign departments. When a South Carolina bank receives a request from its customer for the issuance of a letter of credit, the usual practice is to forward the application to such a bank which actually issues a letter to the seller. Thus most of the letter of credit practice and the precedence setting case decisions have occurred in the states where such banks are located, principally New York. These case decisions plus the "Uniform Customs and Practices for Commercial Documentary Credits", issued by the International Chamber of Commerce and adopted by American banks in 1952 as a statement of practice, represent the principal source of the law governing letters of credit prior to the drafting of Article 5 of the Code.

The letter of credit seems to be used with increasing frequency in financing domestic transactions. With the codification of the law of letters of credit by Article 5 of the Code, it is expected that the increased degree of certainty and uniformity of law will accelerate this trend.

There are no South Carolina cases dealing with the commercial letter of credit. The letter of guaranty and the "traveler's letter of credit", whereby a bank promises to reimburse those who make advances to the holder, is the closest analogy found in the South Carolina decisions. The only statutory treatment of this subject is found in the N.I.L., S. C. Code Sections 8-993 and 8-994 dealing with the "virtual acceptance" which is a rough substitute for the letter of credit but which is now an almost obsolete practice whereby a bank may accept a draft by a separate instrument. (See Code section 3-410(1) which would repeal this provision by requiring an acceptance to be written on the face of a draft.) The analysis of Article 5, therefore, is necessarily limited to general statements of explanations of the rules expressed therein with occasional reference to decisions in other jurisdictions and to the "Uniform Customs and Practices for Commercial Documentary Credits".

ARTICLE 5

LETTERS OF CREDIT

SECTION 5—101. *Short Title.*

This Article shall be known and may be cited as Uniform Commercial Code—Letters of Credit.

SECTION 5—102. *Scope.*

(1) This Article applies

- (a) to a credit issued by a bank if the credit requires a documentary draft or a documentary demand for payment; and
- (b) to a credit issued by a person other than a bank if the credit requires that the draft or demand for payment be accompanied by a document of title; and
- (c) to a credit issued by a bank or other person if the credit is not within subparagraphs (a) or (b) but conspicuously states that it is a letter of credit or is conspicuously so entitled.

(2) Unless the engagement meets the requirements of subsection (1), this Article does not apply to engagements to make advances or to honor drafts or demands for payment, to authorities to pay or purchase, to guarantees or to general agreements.

(3) This Article deals with some but not all of the rules and concepts of letters of credit as such rules or concepts have developed prior to this act or may hereafter develop. The fact that this Article states a rule does not by itself require, imply or negate application of the same or a converse rule to a situation not provided for or to a person not specified by this Article.

SECTION 5—103. *Definitions.*

(1) In this Article unless the context otherwise requires

- (a) “Credit” or “letter of credit” means an engagement by a bank or other person made at the request of a customer and of a kind within the scope of this Article (Section 5-102) that the issuer will honor drafts or other demands for payment upon compliance with the conditions specified in the credit. A credit may be either revocable or irrevocable. The engagement may be either an agreement to honor or a statment that the bank or other person is authorized to honor.

- (b) A “documentary draft” or a “documentary demand for payment” is one honor of which is conditioned upon the presentation of a document or documents. “Document” means any paper including document of title, security, invoice, certificate, notice of default and the like.
- (c) An “issuer” is a bank or other person issuing a credit.
- (d) A “beneficiary” of a credit is a person who is entitled under its terms to draw or demand payment.
- (e) An “advising bank” is a bank which gives notification of the issuance of a credit by another bank.
- (f) A “confirming bank” is a bank which engages either that it will itself honor a credit already issued by another bank or that such a credit will be honored by the issuer or a third bank.
- (g) A “customer” is a buyer or other person who causes an issuer to issue a credit. The term also includes a bank which procures issuance or confirmation on behalf of that bank’s customer.

(2) Other definitions applying to this Article and the sections in which they appear are:

“Notation of Credit”.	Section 5—108.
“Presenter”.	Section 5—112(3).

(3) Definitions in other Articles applying to this Article and the sections in which they appear are:

“Accept” or “Acceptance”.	Section 3—410.
“Contract for sale”.	Section 2—106.
“Draft”.	Section 3—104.
“Holder in due course”.	Section 3—302.
“Midnight deadline”.	Section 4—104.
“Security”.	Section 8—102.

(4) In addition, Article 1 contains general definitions and principles of construction and interpretation applicable throughout this Article.

SECTION 5—104. *Formal Requirements; Signing.*

(1) Except as otherwise required in subsection (1) (c) of Section 5-102 on scope, no particular form of phrasing is required for a credit. A credit must be in writing and signed by the issuer and a confirmation must be in writing and signed by the confirming

bank. A modification of the terms of a credit or confirmation must be signed by the issuer or confirming bank.

(2) A telegram may be a sufficient signed writing if it identifies its sender by an authorized authentication. The authentication may be in code and the authorized naming of the issuer in an advice of credit is a sufficient signing.

SECTION 5—105. *Consideration.*

No consideration is necessary to establish a credit or to enlarge or otherwise modify its terms.

SECTION 5—106. *Time and Effect of Establishment of Credit.*

(1) Unless otherwise agreed a credit is established

(a) as regards the customer as soon as a letter of credit is sent to him or the letter of credit or an authorized written advice of its issuance is sent to the beneficiary; and

(b) as regards the beneficiary when he receives a letter of credit or an authorized written advice of its issuance.

(2) Unless otherwise agreed once an irrevocable credit is established as regards the customer it can be modified or revoked only with the consent of the customer and once it is established as regards the beneficiary it can be modified or revoked only with his consent.

(3) Unless otherwise agreed after a revocable credit is established it may be modified or revoked by the issuer without notice to or consent from the customer or beneficiary.

(4) Notwithstanding any modification or revocation of a revocable credit any person authorized to honor or negotiate under the terms of the original credit is entitled to reimbursement for or honor of any draft or demand for payment duly honored or negotiated before receipt of notice of the modification or revocation and the issuer in turn is entitled to reimbursement from its customer.

SECTION 5—107. *Advice of Credit; Confirmation; Error in Statement of Terms.*

(1) Unless otherwise specified an advising bank by advising a credit issued by another bank does not assume any obligation to honor drafts drawn or demands for payment made under the credit but it does assume obligation for the accuracy of its own statement.

(2) A confirming bank by confirming a credit becomes directly obligated on the credit to the extent of its confirmation as though it were its issuer and acquires the rights of an issuer.

(3) Even though an advising bank incorrectly advises the terms of a credit it has been authorized to advise the credit is established as against the issuer to the extent of its original terms.

(4) Unless otherwise specified the customer bears as against the issuer all risks of transmission and reasonable translation or interpretation of any message relating to a credit.

SECTION 5—108. *“Notation Credit”; Exhaustion of Credit.*

(1) A credit which specifies that any person purchasing or paying drafts drawn or demands for payment made under it must note the amount of the draft or demand on the letter or advice of credit is a “notation credit”.

(2) Under a notation credit

(a) a person paying the beneficiary or purchasing a draft or demand for payment from him acquires a right to honor only if the appropriate notation is made and by transferring or forwarding for honor the documents under the credit such a person warrants to the issuer that the notation has been made; and

(b) unless the credit or a signed statement that an appropriate notation has been made accompanies the draft or demand for payment the issuer may delay honor until evidence of notation has been procured which is satisfactory to it but its obligation and that of its customer continue for a reasonable time not exceeding thirty days to obtain such evidence.

(3) If the credit is not a notation credit

(a) the issuer may honor complying drafts or demands for payment presented to it in the order in which they are presented and is discharged pro tanto by honor of any such draft or demand;

(b) as between competing good faith purchasers of complying drafts or demands the person first purchasing has priority over a subsequent purchaser even though the later purchased draft or demand has been first honored.

SECTION 5—109. *Issuer’s Obligation to Its Customer.*

(1) An issuer’s obligation to its customer includes good faith and observance of any general banking usage but unless otherwise agreed does not include liability or responsibility

- (a) for performance of the underlying contract for sale or other transaction between the customer and the beneficiary; or
- (b) for any act or omission of any person other than itself or its own branch or for loss or destruction of a draft, demand or document in transit or in the possession of others; or
- (c) based on knowledge or lack of knowledge of any usage of any particular trade.

(2) An issuer must examine documents with care so as to ascertain that on their face they appear to comply with the terms of the credit but unless otherwise agreed assumes no liability or responsibility for the genuineness, falsification or effect of any document which appears on such examination to be regular on its face.

(3) A non-bank issuer is not bound by any banking usage of which it has no knowledge.

SECTION 5—110. *Availability of Credit in Portions; Presenter's Reservation of Lien or Claim.*

(1) Unless otherwise specified a credit may be used in portions in the discretion of the beneficiary.

(2) Unless otherwise specified a person by presenting a documentary draft or demand for payment under a credit relinquishes upon its honor all claims to the documents and a person by transferring such draft or demand or causing such presentment authorizes such relinquishment. An explicit reservation of claim makes the draft or demand non-complying.

SECTION 5—111. *Warranties on Transfer and Presentment.*

(1) Unless otherwise agreed the beneficiary by transferring or presenting a documentary draft or demand for payment warrants to all interested parties that the necessary conditions of the credit have been complied with. This is in addition to any warranties arising under Articles 3, 4, 7 and 8.

(2) Unless otherwise agreed a negotiating, advising, confirming, collecting or issuing bank presenting or transferring a draft or demand for payment under a credit warrants only the matters warranted by a collecting bank under Article 4 and any such bank transferring a document warrants only the matters warranted by an intermediary under Articles 7 and 8.

SECTION 5—112. *Time Allowed for Honor or Rejection; Withholding Honor or Rejection by Consent; "Presenter".*

(1) A bank to which a documentary draft or demand for payment is presented under a credit may without dishonor of the draft, demand or credit

- (a) defer honor until the close of the third banking day following receipt of the documents; and
- (b) further defer honor if the presenter has expressly or impliedly consented thereto.

Failure to honor within the time here specified constitutes dishonor of the draft or demand and of the credit.

(2) Upon dishonor the bank may unless otherwise instructed fulfill its duty to return the draft or demand and the documents by holding them at the disposal of the presenter and sending him an advice to that effect.

(3) "Presenter" means any person presenting a draft or demand for payment for honor under a credit even though that person is a confirming bank or other correspondent which is acting under an issuer's authorization.

SECTION 5—113. *Indemnities.*

(1) A bank seeking to obtain (whether for itself or another) honor, negotiation or reimbursement under a credit may give an indemnity to induce such honor, negotiation or reimbursement.

(2) An indemnity agreement inducing honor, negotiation or reimbursement

- (a) unless otherwise explicitly agreed applies to defects in the documents but not in the goods; and
- (b) unless a longer time is explicitly agreed expires at the end of ten business days following receipt of the documents by the ultimate customer unless notice of objection is sent before such expiration date. The ultimate customer may send notice of objection to the person from whom he received the documents and any bank receiving such notice is under a duty to send notice to its transferor before its midnight deadline.

SECTION 5—114. *Issuer's Duty and Privilege to Honor; Right to Reimbursement.*

(1) An issuer must honor a draft or demand for payment which complies with the terms of the relevant credit regardless of whether the goods or documents conform to the underlying contract for sale or other contract between the customer and the beneficiary. The issuer is not excused from honor of such a draft or demand by reason of an additional general term that all documents must be satisfactory to the issuer, but an issuer may require that specified documents must be satisfactory to it.

(2) Unless otherwise agreed when documents appear on their face to comply with the terms of a credit but a required document does not in fact conform to the warranties made on negotiation or transfer of a document of title (Section 7-507) or of a security (Section 8-306) or is forged or fraudulent or there is fraud in the transaction

(a) the issuer must honor the draft or demand for payment if honor is demanded by a negotiating bank or other holder of the draft or demand which has taken the draft or demand under the credit and under circumstances which would make it a holder in due course (Section 3—302) and in an appropriate case would make it a person to whom a document of title has been duly negotiated (Section 7—502) or a bona fide purchaser of a security (Section 8—302): and

(b) in all other cases as against its customer, an issuer acting in good faith may honor the draft or demand for payment despite notification from the customer of fraud, forgery or other defect not apparent on the face of the documents but a court of appropriate jurisdiction may enjoin such honor.

(3) Unless otherwise agreed an issuer which has duly honored a draft or demand for payment is entitled to immediate reimbursement of any payment made under the credit and to be put in effectively available funds not later than the day before maturity of any acceptance made under the credit.

SECTION 5—115. *Remedy for Improper Dishonor or Anticipatory Repudiation.*

(1) When an issuer wrongfully dishonors a draft or demand for payment presented under a credit the person entitled to honor has

with respect to any documents the rights of a person in the position of a seller (Section 2—707) and may recover from the issuer the face amount of the draft or demand together with incidental damages under Section 2—710 on seller's incidental damages and interest but less any amount realized by resale or other use or disposition of the subject matter of the transaction. In the event no resale or other utilization is made the documents, goods or other subject matter involved in the transaction must be turned over to the issuer on payment of judgment.

(2) When an issuer wrongfully cancels or otherwise repudiates a credit before presentment of a draft or demand for payment drawn under it the beneficiary has the rights of a seller after anticipatory repudiation by the buyer under Section 2—610 if he learns of the repudiation in time reasonably to avoid procurement of the required documents. Otherwise the beneficiary has an immediate right of action for wrongful dishonor.

SECTION 5—116. *Transfer and Assignment.*

(1) The right to draw under a credit can be transferred or assigned only when the credit is expressly designated as transferable or assignable.

(2) Even though the credit specifically states that it is nontransferable or nonassignable the beneficiary may before performance of the conditions of the credit assign his right to proceeds. Such an assignment is an assignment of a contract right under Article 9 on Secured Transactions and is governed by that Article except that

- (a) the assignment is ineffective until the letter of credit or advice of credit is delivered to the assignee which delivery constitutes perfection of the security interest under Article 9; and
- (b) the issuer may honor drafts or demands for payment drawn under the credit until it receives a notification of the assignment signed by the beneficiary which reasonably identifies the credit involved in the assignment and contains a request to pay the assignee; and
- (c) after what reasonably appears to be such a notification has been received the issuer may without dishonor refuse to accept or pay even to a person otherwise entitled to honor until the letter of credit or advice of credit is exhibited to the issuer.

(3) Except where the beneficiary has effectively assigned his right to draw or his right to proceeds, nothing in this section limits his right to transfer or negotiate drafts or demands drawn under the credit.

SECTION 5—117. *Insolvency of Bank Holding Funds for Documentary Credit.*

(1) Where an issuer or an advising or confirming bank or a bank which has for a customer procured issuance of a credit by another bank becomes insolvent before final payment under the credit and the credit is one to which this Article is made applicable by paragraphs (a) or (b) of Section 5—102(1) on scope, the receipt or allocation of funds or collateral to secure or meet obligations under the credit shall have the following results:

- (a) to the extent of any funds or collateral turned over after or before the insolvency as indemnity against or specifically for the purpose of payment of drafts or demands for payment drawn under the designated credit, the drafts or demands are entitled to payment in preference over depositors or other general creditors of the issuer or bank; and
 - (b) on expiration of the credit or surrender of the beneficiary's rights under it unused any person who has given such funds or collateral is similarly entitled to return thereof; and
 - (c) a change to a general or current account with a bank if specifically consented to for the purpose of indemnity against or payment of drafts or demands for payment drawn under the designated credit falls under the same rules as if the funds had been drawn out in cash and then turned over with specific instructions.
- (2) After honor or reimbursement under this section the customer or other person for whose account the insolvent bank has acted is entitled to receive the documents involved.

ARTICLE 6

BULK TRANSFER

Introduction

All of the states today have some form of Bulk Sales Act in order to give some degree of protection to unsecured creditors of a mer-

chant, where such merchant sells out all or a major part of his stock of inventory out of the ordinary course of business. The law of fraudulent conveyances (See S. C. Code Section 57-301 to 57-310 and The Federal Bankruptcy Act Section 67d; 11 U. S. C. Section 107) voids a conveyance made by a debtor with the intent to delay, hinder or defraud creditors where the transferee participates in the scheme or has taken the property for an inadequate consideration. Where a debtor transfers his assets for an adequate consideration without the intent of defrauding his creditors, bulk sales legislation voids the transfer unless the statutory prescriptions of giving prior notice to his creditors have been complied with.

The Code does not affect the law of fraudulent conveyances. Article 6 does replace and rewrite the South Carolina Bulk Sales Act. This represents the first attempt at codification of a uniform law dealing with this subject.

ARTICLE 6

BULK TRANSFERS

SECTION 6—101. *Short Title.*

This Article shall be known and may be cited as Uniform Commercial Code—Bulk Transfers.

SECTION 6—102. *“Bulk Transfers”; Transfers of Equipment; Enterprises Subject to This Article; Bulk Transfers Subject to This Article.*

(1) A “bulk transfer” is any transfer in bulk and not in the ordinary course of the transferor’s business of a major part of the materials, supplies, merchandise or other inventory (Section 9—109) of an enterprise subject to this Article.

(2) A transfer of a substantial part of the equipment (Section 9—109) of such an enterprise is a bulk transfer if it is made in connection with a bulk transfer of inventory, but not otherwise.

(3) The enterprises subject to this Article are all those whose principal business is the sale of merchandise from stock, including those who manufacture what they sell.

(4) Except as limited by the following section all bulk transfers of goods located within this state are subject to this Article.

SECTION 6—103. *Transfers Excepted From This Article.*

The following transfers are not subject to this Article:

- (1) Those made to give security for the performance of an obligation;
- (2) General assignments for the benefit of all the creditors of the transferor, and subsequent transfers by the assignee thereunder;
- (3) Transfers in settlement or realization of a lien or other security interest;
- (4) Sales by executors, administrators, receivers, trustees in bankruptcy, or any public officer under judicial process;
- (5) Sales made in the course of judicial or administrative proceedings for the dissolution or reorganization of a corporation and of which notice is sent to the creditors of the corporation pursuant to order of the court or administrative agency;
- (6) Transfers to a person maintaining a known place of business in this State who becomes bound to pay the debts of the transferor in full and gives public notice of that fact, and who is solvent after becoming so bound;
- (7) A transfer to a new business enterprise organized to take over and continue the business, if public notice of the transaction is given and the new enterprise assumes the debts of the transferor and he receives nothing from the transaction except an interest in the new enterprise junior to the claims of creditors;
- (8) Transfers of property which is exempt from execution.

Public notice under subsection (6) or subsection (7) may be given by publishing once a week for two consecutive weeks in a newspaper of general circulation where the transferor had its principal place of business in this state an advertisement including the names and addresses of the transferor and transferee and the effective date of the transfer.

SECTION 6—104. *Schedule of Property, List of Creditors.*

(1) Except as provided with respect to auction sales, Section 6-108), a bulk transfer subject to this Article is ineffective against any creditor of the transferor unless:

- (a) The transferee requires the transferor to furnish a list of his existing creditors prepared as stated in this section; and
- (b) The parties prepare a schedule of the property transferred sufficient to identify it; and

- (c) The transferee preserves the list and schedule for six months next following the transfer and permits inspection of either or both and copying therefrom at all reasonable hours by any creditor of the transferor, or files the list and schedule in the office of the register of mesne conveyances or clerk of court in those counties where the office of register of mesne conveyances has been abolished in the county or counties wherein the property was located at the time of transfer.

(2) The list of creditors must be signed and sworn to or affirmed by the transferor or his agent. It must contain the names and business addresses of all creditors of the transferor, with the amounts when known, and also the names of all persons who are known to the transferor to assert claims against him even though such claims are disputed. If the transferor is the obligor of an outstanding issue of bonds, debentures or the like as to which there is an indenture trustee, the list of creditors need include only the name and address of the indenture trustee and the aggregate outstanding principal amount of the issue.

(3) Responsibility for the completeness and accuracy of the list of creditors rests on the transferor, and the transfer is not rendered ineffective by errors or omissions therein unless the transferee is shown to have had knowledge.

SECTION 6—105. *Notice to Creditors.*

In addition to the requirements of the preceding section, any bulk transfer subject to this Article except one made by auction sale (Section 6—108) is ineffective against any creditor of the transferor unless at least ten days before he takes possession of the goods or pays for them, whichever happens first, the transferee gives notice of the transfer in the manner and to the persons hereafter provided (Section 6—107).

SECTION 6—106.

EDITOR'S NOTE

This section was optional. It was eliminated as it imposes an additional burden, not presently provided for under the South Carolina statutes, on the bulk transfer purchaser.

SECTION 6—107. *The Notice.*

(1) The notice to creditors (Section 6-105) shall state:

- (a) that a bulk transfer is about to be made; and
- (b) the names and business addresses of the transferor and transferee, and all other business names and addresses used by the transferor within three years last past so far as known to the transferee; and
- (c) whether or not all the debts of the transferor are to be paid in full as they fall due as a result of the transaction, and if so, the address to which creditors should send their bills.

(2) If the debts of the transferor are not to be paid in full as they fall due or if the transferee is in doubt on that point then the notice shall state further:

- (a) the location and general description of the property to be transferred and the estimated total of the transferor's debts;
- (b) the address where the schedule of property and list of creditors (Section 6—104) may be inspected;
- (c) whether the transfer is to pay existing debts and if so the amount of such debts and to whom owing;
- (d) whether the transfer is for new consideration and if so the amount of such consideration and the time and place of payment.

(3) The notice in any case shall be delivered personally or sent by registered or certified mail to all the persons shown on the list of creditors furnished by the transferor (Section 6-104) and to all other persons who are known to the transferee to hold or assert claims against the transferor.

SECTION 6—108. *Auction Sales; "Auctioneer".*

(1) A bulk transfer is subject to this Article even though it is by sale at auction, but only in the manner and with the results stated in this section.

(2) The transferor shall furnish a list of his creditors and assist in the preparation of a schedule of the property to be sold, both prepared as before stated (Section 6-104).

(3) The person or persons other than the transferor who direct, control or are responsible for the auction are collectively called the "auctioneer". The auctioneer shall:

- (a) receive and retain the list of creditors and prepare and retain the schedule of property for the period stated in this Article (Section 6-104) ;
- (b) give notice of the auction personally or by registered or certified mail at least ten days before it occurs to all persons shown on the list of creditors and to all other persons who are known to him to hold or assert claims against the transferor.

(4) Failure of the auctioneer to perform any of these duties does not affect the validity of the sale or the title of the purchasers, but if the auctioneer knows that the auction constitutes a bulk transfer such failure renders the auctioneer liable to the creditors of the transferor as a class for the sums owing to them from the transferor up to but not exceeding the net proceeds of the auction. If the auctioneer consists of several persons their liability is joint and several.

SECTION 6—109. *What Creditors Protected.*

(1) The creditors of the transferor mentioned in this Article are those holding claims based on transactions or events occurring before the bulk transfer, but creditors who become such after notice to creditors is given (Sections 6—105 and 6—107) are not entitled to notice.

SECTION 6—110. *Subsequent Transfers.*

When the title of a transferee to property is subject to a defect by reason of his non-compliance with the requirements of this Article, then:

(1) a purchaser of any of such property from such transferee who pays no value or who takes with notice of such non-compliance takes subject to such defect, but

(2) a purchaser for value in good faith and without such notice takes free of such defect.

SECTION 6—111. *Limitation of Actions and Levies.*

No action under this Article shall be brought nor levy made more than six months after the date on which the transferee took possession of the goods unless the transfer has been concealed. If the transfer has been concealed, actions may be brought or levies made within six months after its discovery.

ARTICLE 7

WAREHOUSE RECEIPTS, BILLS OF LADING AND OTHER DOCUMENTS
OF TITLE*Introduction*

Article 7 concerns itself with that phase of a commercial transaction relating to the shipment and storage of goods and governs the use of the "document of title" issued as a receipt for the goods. Such documents consist principally of the bill of lading issued by a carrier and the warehouse receipt issued by a warehouseman. It is common practice to transfer the goods in the hands of such bailee by the transfer of the document. Money is frequently loaned on the pledge of these documents to government agencies and banks and other private lenders. It is within this factual context that this article operates.

At the present time in South Carolina, documents of title are governed by two uniform state acts: the Uniform Warehouse Receipts Act (UWRA) and the Uniform Bills of Lading Act (UBLA). These acts were promulgated by the National Conference of Commissioners on Uniform State Laws over fifty years ago. The Uniform Bills of Lading Act was enacted in thirty-one of the states, including South Carolina in 1930. This statute has been superseded by the almost identical Federal Bills of Lading Act of 1916 with respect to interstate shipments.

The Uniform Warehouse Receipts Act was adopted in all of the states, but a 1922 amendment was adopted in only some of these. South Carolina enacted the amended version of this statute in 1945.

Article 7 would replace the two existing statutes and consolidate their coverage into this single article entitled "Documents of Title". This is made possible by the fact that there are a number of problems common to all types of documents, such as negotiation of instrument and obligations of the issuer. Common solutions to these problems are provided in parts 1, 4, 5 and 6. In this way, inconsistencies and duplication of coverage are avoided. Special problems which relate only to warehouse receipts are set out in part 2 and those applicable to bills of lading are set out in part 3.

Changes in rules and practice brought about by Article 7 would be modest. Several points of uncertainty and conflict are clarified and resolved. There are a few minor changes in policy and some new coverage made necessary by changed business methods and technologi-

cal developments since the drafting of the original act at the turn of the century.

ARTICLE 7

WAREHOUSE RECEIPTS, BILLS OF LADING AND OTHER DOCUMENTS OF TITLE

PART 1

GENERAL

SECTION 7—101. *Short Title.*

This Article shall be known and may be cited as Uniform Commercial Code—Documents of Title.

SECTION 7—102. *Definitions and Index of Definitions.*

- (1) In this Article, unless the context otherwise requires:
- (a) “Bailee” means the person who by a warehouse receipt, bill of lading or other document of title acknowledges possession of goods and contracts to deliver them.
 - (b) “Consignee” means the person named in a bill to whom or to whose order the bill promises delivery.
 - (c) “Consignor” means the person named in a bill as the person from whom the goods have been received for shipment.
 - (d) “Delivery order” means a written order to deliver goods directed to a warehouseman, carrier or other person who in the ordinary course of business issues warehouse receipts or bills of lading.
 - (e) “Document” means document of title as defined in the general definitions in Article 1 (Section 1—201).
 - (f) “Goods” means all things which are treated as movable for the purposes of a contract of storage or transportation.
 - (g) “Issuer” means a bailee who issues a document except that in relation to an unaccepted delivery order it means the person who orders the possessor of goods to deliver. Issuer includes any person for whom an agent or employee purports to act in issuing a document if the agent or employee has real or apparent authority to issue documents, notwithstanding that the issuer received no goods or that the goods were misdescribed or that in any other respect the agent or employee violated his instructions.

(h) "Warehouseman" is a person engaged in the business of storing goods for hire.

(2) Other definitions applying to this Article or to specified Parts thereof, and the sections in which they appear are:

"Duly negotiate". Section 7—501.

"Person entitled under the document". Section 7—403(4).

(3) Definitions in other Articles applying to this Article and the sections in which they appear are:

"Contract for sale". Section 2—106.

"Overseas". Section 2—323.

"Receipt" of goods. Section 2—103.

(4) In addition Article 1 contains general definitions and principles of construction and interpretation applicable throughout this Article.

SECTION 7—103. *Relation of Article to Treaty, Statute, Tariff, Classification or Regulation.*

To the extent that any treaty or statute of the United States, regulatory statute of this State or tariff, classification or regulation filed or issued pursuant thereto is applicable, the provisions of this Article are subject thereto.

SECTION 7—104. *Negotiable and Non-Negotiable Warehouse Receipt, Bill of Lading or Other Document of Title.*

(1) A warehouse receipt, bill of lading or other document of title is negotiable

(a) if by its terms the goods are to be delivered to bearer or to the order of a named person; or

(b) where recognized in overseas trade, if it runs to a named person or assigns.

(2) Any other document is non-negotiable. A bill of lading in which it is stated that the goods are consigned to a named person is not made negotiable by a provision that the goods are to be delivered only against a written order signed by the same or another named person.

SECTION 7—105. *Construction Against Negative Implication.*

The omission from either Part 2 or Part 3 of this Article of a provision corresponding to a provision made in the other Part does not imply that a corresponding rule of law is not applicable.

PART 2

WAREHOUSE RECEIPTS: SPECIAL PROVISIONS

SECTION 7—201. *Who May Issue a Warehouse Receipt; Storage Under Government Bond.*

- (1) A warehouse receipt may be issued by any warehouseman.
- (2) Where goods including distilled spirits and agricultural commodities are stored under a statute requiring a bond against withdrawal or a license for the issuance of receipts in the nature of warehouse receipts, a receipt issued for the goods has like effect as a warehouse receipt even though issued by a person who is the owner of the goods and is not a warehouseman.

SECTION 7—202. *Form of Warehouse Receipt; Essential Terms; Optional Terms.*

- (1) A warehouse receipt need not be in any particular form.
- (2) Unless a warehouse receipt embodies within its written or printed terms each of the following, the warehouseman is liable for damages caused by the omission to a person injured thereby:
 - (a) the location of the warehouse where the goods are stored;
 - (b) the date of issue of the receipt;
 - (c) the consecutive number of the receipt;
 - (d) a statement whether the goods received will be delivered to the bearer, to a specified person, or to a specified person or his order;
 - (e) the rate of storage and handling charges, except that where goods are stored under a field warehousing arrangement a statement of that fact is sufficient on a non-negotiable receipt;
 - (f) a description of the goods or of the packages containing them;
 - (g) the signature of the warehouseman, which may be made by his authorized agent;
 - (h) if the receipt is issued for goods of which the warehouseman is owner, either solely or jointly or in common with others, the fact of such ownership; and
 - (i) a statement of the amount of advances made and of liabilities incurred for which the warehouseman claims a lien or security interest (Section 7—209). If the precise amount of such advances made or of such liabilities incurred is, at the

time of the issue of the receipt, unknown to the warehouseman or to his agent who issues it, a statement of the fact that advances have been made or liabilities incurred and the purpose thereof is sufficient.

(3) A warehouseman may insert in his receipt any other terms which are not contrary to the provisions of this Act and do not impair his obligation of delivery (Section 7—403) or his duty of care (Section 7—204). Any contrary provisions shall be ineffective.

SECTION 7—203. *Liability for Non-Receipt or Misdescription.*

A party to or purchaser for value in good faith of a document of title other than a bill of lading relying in either case upon the description therein of the goods may recover from the issuer damages caused by the non-receipt or misdescription of the goods, except to the extent that the document conspicuously indicates that the issuer does not know whether any part or all of the goods in fact were received or conform to the description, as where the description is in terms of marks or labels or kind, quantity or condition, or the receipt or description is qualified by "contents, condition and quality unknown", "said to contain" or the like, if such indication be true, or the party or purchaser otherwise has notice.

SECTION 7—204. *Duty of Care; Contractual Limitation of Warehouseman's Liability.*

(1) A warehouseman is liable for damages for loss of or injury to the goods caused by his failure to exercise such care in regard to them as a reasonably careful man would exercise under like circumstances but unless otherwise agreed he is not liable for damages which could not have been avoided by the exercise of such care.

(2) Damages may be limited by a term in the warehouse receipt or storage agreement limiting the amount of liability in case of loss or damage, and setting forth a specific liability per article or item, or value per unit of weight, beyond which the warehouseman shall not be liable; provided, however, that such liability may on written request of the bailor at the time of signing such storage agreement or within a reasonable time after receipt of the warehouse receipt be increased on part or all of the goods thereunder, in which event increased rates may be charged based on such increased valuation, but that no such increase shall be permitted contrary to a lawful limitation of liability contained in the warehouseman's tariff, if any. No such

limitation is effective with respect to the warehouseman's liability for conversion to his own use.

(3) Reasonable provisions as to the time and manner of presenting claims and instituting actions based on the bailment may be included in the warehouse receipt or tariff.

SECTION 7—205. *Title Under Warehouse Receipt Defeated in Certain Cases.*

A buyer in the ordinary course of business of fungible goods sold and delivered by a warehouseman who is also in the business of buying and selling such goods takes free of any claim under a warehouse receipt even though it has been duly negotiated.

SECTION 7—206. *Termination of Storage at Warehouseman's Option.*

(1) A warehouseman may on notifying the person on whose account the goods are held and any other person known to claim an interest in the goods require payment of any charges and removal of the goods from the warehouse at the termination of the period of storage fixed by the document, or, if no period is fixed, within a stated period not less than thirty days after the notification. If the goods are not removed before the date specified in the notification, the warehouseman may sell them in accordance with the provisions of the section on enforcement of a warehouseman's lien (Section 7—210).

(2) If a warehouseman in good faith believes that the goods are about to deteriorate or decline in value to less than the amount of his lien within the time prescribed in subsection (1) for notification, advertisement and sale, the warehouseman may specify in the notification any reasonable shorter time for removal of the goods and in case the goods are not removed, may sell them at public sale held not less than one week after a single advertisement or posting.

(3) If as a result of a quality or condition of the goods of which the warehouseman had no notice at the time of deposit the goods are a hazard to other property or to the warehouse or to persons, the warehouseman may sell the goods at public or private sale without advertisement on reasonable notification to all persons known to claim an interest in the goods. If the warehouseman after a reasonable effort is unable to sell the goods he may dispose of them in any lawful manner and shall incur no liability by reason of such disposition.

(4) The warehouseman must deliver the goods to any person entitled to them under this Article upon due demand made at any time prior to sale or other disposition under this section.

(5) The warehouseman may satisfy his lien from the proceeds of any sale or disposition under this section but must hold the balance for delivery on the demand of any person to whom he would have been bound to deliver the goods.

SECTION 7—207. *Goods Must Be Kept Separate; Fungible Goods.*

(1) Unless the warehouse receipt otherwise provides, a warehouseman must keep separate the goods covered by each receipt so as to permit at all times identification and delivery of those goods except that different lots of fungible goods may be commingled.

(2) Fungible goods so commingled are owned in common by the persons entitled thereto and the warehouseman is severally liable to each owner for that owner's share. Where because of overissue a mass of fungible goods is insufficient to meet all the receipts which the warehouseman has issued against it, the persons entitled include all holders to whom overissued receipts have been duly negotiated.

SECTION 7—208. *Altered Warehouse Receipts.*

Where a blank in a negotiable warehouse receipt has been filled in without authority, a purchaser for value and without notice of the want of authority may treat the insertion as authorized. Any other unauthorized alteration leaves any receipt enforceable against the issuer according to its original tenor.

SECTION 7—209. *Lien of Warehouseman.*

(1) A warehouseman has a lien against the bailor on the goods covered by a warehouse receipt or on the proceeds thereof in his possession for charges for storage or transportation (including demurrage and terminal charges), insurance, labor, or charges present or future in relation to the goods, and for expenses necessary for preservation of the goods or reasonably incurred in their sale pursuant to law. If the person on whose account the goods are held is liable for like charges or expenses in relation to other goods whenever deposited and it is stated in the receipt that a lien is claimed for charges and expenses in relation to other goods, the warehouseman also has a lien against him for such charges and expenses whether or not the other goods have been delivered by the warehouseman. But against

a person to whom a negotiable warehouse receipt is duly negotiated a

warehouseman's lien is limited to charges in an amount or at a rate specified on the receipt or if no charges are so specified then to a reasonable charge for storage of the goods covered by the receipt subsequent to the date of the receipt.

(2) The warehouseman may also reserve a security interest against the bailor for a maximum amount specified on the receipt for charges other than those specified in subsection (1), such as for money advanced and interest. Such a security interest is governed by the Article on Secured Transactions (Article 9).

(3) A warehouseman's lien for charges and expenses under subsection (1) or a security interest under subsection (2) is also effective against any person who so entrusted the bailor with possession of the goods that a pledge of them by him to a good faith purchaser for value would have been valid but is not effective against a person as to whom the document confers no right in the goods covered by it under Section 7—503.

(4) A warehouseman loses his lien on any goods which he voluntarily delivers or which he unjustifiably refuses to deliver.

SECTION 7—210. *Enforcement of Warehouseman's Lien.*

(1) Except as provided in subsection (2), a warehouseman's lien may be enforced by public or private sale of the goods in block or in parcels, at any time or place and on any terms which are commercially reasonable, after notifying all persons known to claim an interest in the goods. Such notification must include a statement of the amount due, the nature of the proposed sale and the time and place of any public sale. The fact that a better price could have been obtained by a sale at a different time or in a different method from that selected by the warehouseman is not of itself sufficient to establish that the sale was not made in a commercially reasonable manner. If the warehouseman either sells the goods in the usual manner in any recognized market therefor, or if he sells at the price current in such market at the time of his sale, or if he has otherwise sold in conformity with commercially reasonable practices among dealers in the type of goods sold, he has sold in a commercially reasonable manner. A sale of more goods than apparently necessary to be offered to insure satisfaction of the obligation is not commercially reasonable except in cases covered by the preceding sentence.

(2) A warehouseman's lien on goods other than goods stored by a merchant in the course of his business may be enforced only as follows:

- (a) All persons known to claim an interest in the goods must be notified.
 - (b) The notification must be delivered in person or sent by registered or certified letter to the last known address of any person to be notified.
 - (c) The notification must include an itemized statement of the claim, a description of the goods subject to the lien, a demand for payment within a specified time not less than ten days after receipt of the notification, and a conspicuous statement that unless the claim is paid within that time the goods will be advertised for sale and sold by auction at a specified time and place.
 - (d) The sale must conform to the terms of the notification.
 - (e) The sale must be held at the nearest suitable place to that where the goods are held or stored.
 - (f) After the expiration of the time given in the notification, an advertisement of the sale must be published once a week for two weeks consecutively in a newspaper of general circulation where the sale is to be held. The advertisement must include a description of the goods, the name of the person on whose account they are being held, and the time and place of the sale. The sale must take place at least fifteen days after the first publication. If there is no newspaper of general circulation where the sale is to be held, the advertisement must be posted at least ten days before the sale in not less than six conspicuous places in the neighborhood of the proposed sale.
- (3) Before any sale pursuant to this section any person claiming a right in the goods may pay the amount necessary to satisfy the lien and the reasonable expenses incurred under this section. In that event the goods must not be sold, but must be retained by the warehouseman subject to the terms of the receipt and this Article.
- (4) The warehouseman may buy at any public sale pursuant to this section.
- (5) A purchaser in good faith of goods sold to enforce a warehouseman's lien takes the goods free of any rights of persons against whom the lien was valid, despite noncompliance by the warehouseman with the requirements of this section.
- (6) The warehouseman may satisfy his lien from the proceeds of any sale pursuant to this section but must hold the balance, if

any, for delivery on demand to any person to whom he would have been bound to deliver the goods.

(7) The rights provided by this section shall be in addition to all other rights allowed by law to a creditor against his debtor.

(8) Where a lien is on goods stored by a merchant in the course of his business the lien may be enforced in accordance with either subsection (1) or (2).

(9) The warehouseman is liable for damages caused by failure to comply with the requirements for sale under this section and in case of willful violation is liable for conversion.

PART 3

BILLS OF LADING: SPECIAL PROVISIONS

SECTION 7—301. *Liability for Non-Receipt or Misdescription; "Said to Contain"; "Shipper's Load and Count"; Improper Handling.*

(1) A consignee of a non-negotiable bill who has given value in good faith or a holder to whom a negotiable bill has been duly negotiated relying in either case upon the description therein of the goods, or upon the date therein shown, may recover from the issuer damages caused by the misdating of the bill or the non-receipt or misdescription of the goods, except to the extent that the document indicates that the issuer does not know whether any part or all of the goods in fact were received or conform to the description, as where the description is in terms of marks or labels or kind, quantity, or condition or the receipt or description is qualified by "contents or condition of contents of packages unknown", "said to contain", "shipper's weight, load and count" or the like, if such indication be true.

(2) When goods are loaded by an issuer who is a common carrier, the issuer must count the packages of goods if package freight and ascertain the kind and quantity if bulk freight. In such cases "shipper's weight, load and count" or other words indicating that the description was made by the shipper are ineffective except as to freight concealed by packages.

(3) When bulk freight is loaded by a shipper who makes available to the issuer adequate facilities for weighing such freight, an issuer who is a common carrier must ascertain the kind and quantity within a reasonable time after receiving the written request of the

shipper to do so. In such cases "shipper's weight" or other words of like purport are ineffective.

(4) The issuer may by inserting in the bill the words "shipper's weight, load and count" or other words of like purport indicate that the goods were loaded by the shipper; and if such statement be true the issuer shall not be liable for damages caused by the improper loading. But their omission does not imply liability for such damages.

(5) The shipper shall be deemed to have guaranteed to the issuer the accuracy at the time of shipment of the description, marks, labels, number, kind, quantity, condition and weight, as furnished by him; and the shipper shall indemnify the issuer against damage caused by inaccuracies in such particulars. The right of the issuer to such indemnity shall in no way limit his responsibility and liability under the contract of carriage to any person other than the shipper.

SECTION 7—302. *Through Bills of Lading and Similar Documents.*

(1) The issuer of a through bill of lading or other document embodying an undertaking to be performed in part by persons acting as its agents or by connecting carriers is liable to anyone entitled to recover on the document for any breach by such other persons or by a connecting carrier of its obligation under the document but to the extent that the bill covers an undertaking to be performed overseas or in territory not contiguous to the continental United States or an undertaking including matters other than transportation this liability may be varied by agreement of the parties.

(2) Where goods covered by a through bill of lading or other document embodying an undertaking to be performed in part by persons other than the issuer are received by any such person, he is subject with respect to his own performance while the goods are in his possession to the obligation of the issuer. His obligation is discharged by delivery of the goods to another such person pursuant to the document, and does not include liability for breach by any other such persons or by the issuer.

(3) The issuer of such through bill of lading or other document shall be entitled to recover from the connecting carrier or such other person in possession of the goods when the breach of the obligation under the document occurred, the amount it may be required to pay to anyone entitled to recover on the document therefor, as may be evidenced by any receipt, judgment, or transcript thereof, and the amount of any expense reasonably incurred by it in defending any

action brought by anyone entitled to recover on the document therefor.

SECTION 7—303. *Diversion; Reconsignment; Change of Instructions.*

(1) Unless the bill of lading otherwise provides, the carrier may deliver the goods to a person or destination other than that stated in the bill or may otherwise dispose of the goods on instructions from

- (a) the holder of a negotiable bill; or
- (b) the consignor on a non-negotiable bill notwithstanding contrary instructions from the consignee; or
- (c) the consignee on a non-negotiable bill in the absence of contrary instructions from the consignor, if the goods have arrived at the billed destination or if the consignee is in possession of the bill; or
- (d) the consignee on a non-negotiable bill if he is entitled as against the consignor to dispose of them.

(2) Unless such instructions are noted on a negotiable bill of lading, a person to whom the bill is duly negotiated can hold the bailee according to the original terms.

SECTION 7—304. *Bills of Lading in a Set.*

(1) Except where customary in overseas transportation, a bill of lading must not be issued in a set of parts. The issuer is liable for damages caused by violation of this subsection.

(2) Where a bill of lading is lawfully drawn in a set of parts, each of which is numbered and expressed to be valid only if the goods have not been delivered against any other part, the whole of the parts constitute one bill.

(3) Where a bill of lading is lawfully issued in a set of parts and different parts are negotiated to different persons, the title of the holder to whom the first due negotiation is made prevails as to both the document and the goods even though any later holder may have received the goods from the carrier in good faith and discharged the carrier's obligation by surrender of his part.

(4) Any person who negotiates or transfers a single part of a bill of lading drawn in a set is liable to holders of that part as if it were the whole set.

(5) The bailee is obliged to deliver in accordance with Part 4 of this Article against the first presented part of a bill of lading law-

fully drawn in a set. Such delivery discharges the bailee's obligation on the whole bill.

SECTION 7—305. *Destination Bills.*

(1) Instead of issuing a bill of lading to the consignor at the place of shipment a carrier may at the request of the consignor procure the bill to be issued at destination or at any other place designated in the request.

(2) Upon request of anyone entitled as against the carrier to control the goods while in transit and on surrender of any outstanding bill of lading or other receipt covering such goods, the issuer may procure a substitute bill to be issued at any place designated in the request.

SECTION 7—306. *Altered Bills of Lading.*

An unauthorized alteration or filling in of a blank in a bill of lading leaves the bill enforceable according to its original tenor.

SECTION 7—307. *Lien of Carrier.*

(1) A carrier has a lien on the goods covered by a bill of lading for charges subsequent to the date of its receipt of the goods for storage or transportation (including demurrage and terminal charges) and for expenses necessary for preservation of the goods incident to their transportation or reasonably incurred in their sale pursuant to law. But against a purchaser for value of a negotiable bill of lading a carrier's lien is limited to charges stated in the bill or the applicable tariffs, or if no charges are stated then to a reasonable charge.

(2) A lien for charges and expenses under subsection (1) on goods which the carrier was required by law to receive for transportation is effective against the consignor or any person entitled to the goods unless the carrier had notice that the consignor lacked authority to subject the goods to such charges and expenses. Any other lien under subsection (1) is effective against the consignor and any person who permitted the bailor to have control or possession of the goods unless the carrier had notice that the bailor lacked such authority.

(3) A carrier loses his lien on any goods which he voluntarily delivers or which he unjustifiably refuses to deliver.

SECTION 7—308. *Enforcement of Carrier's Lien.*

(1) A carrier's lien may be enforced by public or private sale of the goods, in bloc or in parcels, at any time or place and on any terms

which are commercially reasonable, after notifying all persons known to claim an interest in the goods. Such notification must include a statement of the amount due, the nature of the proposed sale and the time and place of any public sale. The fact that a better price could have been obtained by a sale at a different time or in a different method from that selected by the carrier is not of itself sufficient to establish that the sale was not made in a commercially reasonable manner. If the carrier either sells the goods in the usual manner in any recognized market therefor or if he sells at the price current in such market at the time of his sale or if he has otherwise sold in conformity with commercially reasonable practices among dealers in the type of goods sold he has sold in a commercially reasonable manner. A sale of more goods than apparently necessary to be offered to ensure satisfaction of the obligation is not commercially reasonable except in cases covered by the preceding sentence.

(2) Before any sale pursuant to this section any person claiming a right in the goods may pay the amount necessary to satisfy the lien and the reasonable expenses incurred under this section. In that event the goods must not be sold, but must be retained by the carrier subject to the terms of the bill and this Article.

(3) The carrier may buy at any public sale pursuant to this section.

(4) A purchaser in good faith of goods sold to enforce a carrier's lien takes the goods free of any rights of persons against whom the lien was valid, despite noncompliance by the carrier with the requirements of this section.

(5) The carrier may satisfy his lien from the proceeds of any sale pursuant to this section but must hold the balance, if any, for delivery on demand to any person to whom he would have been bound to deliver the goods.

(6) The rights provided by this section shall be in addition to all other rights allowed by law to a creditor against his debtor.

(7) A carrier's lien may be enforced in accordance with either subsection (1) or the procedure set forth in subsection (2) of Section 7—210.

(8) The carrier is liable for damages caused by failure to comply with the requirements for sale under this section and in case of willful violation is liable for conversion.

SECTION 7—309. *Duty of Care; Contractual Limitation of Carrier's Liability.*

(1) A carrier who issues a bill of lading whether negotiable or non-negotiable must exercise the degree of care in relation to the goods which a reasonably careful man would exercise under like circumstances. This subsection does not repeal or change any law or rule of law which imposes liability upon a common carrier for damages not caused by its negligence.

(2) Damages may be limited by a provision that the carrier's liability shall not exceed a value stated in the document if the carrier's rates are dependent upon value and the consignor by the carrier's tariff is afforded an opportunity to declare a higher value or a value as lawfully provided in the tariff, or where no tariff is filed he is otherwise advised of such opportunity; but no such limitation is effective with respect to the carrier's liability for conversion to its own use.

(3) Reasonable provisions as to the time and manner of presenting claims and instituting actions based on the shipment may be included in a bill of lading or tariff.

PART 4**WAREHOUSE RECEIPTS AND BILLS OF LADING:
GENERAL OBLIGATIONS****SECTION 7—401. *Irregularities in Issue of Receipt or Bill or Conduct of Issuer.***

The obligations imposed by this Article on an issuer apply to a document of title regardless of the fact that

- (a) the document may not comply with the requirements of this Article or of any other law or regulation regarding its issue, form or content; or
- (b) the issuer may have violated laws regulating the conduct of his business; or
- (c) the goods covered by the document were owned by the bailee at the time the document was issued; or
- (d) the person issuing the document does not come within the definition of warehouseman if it purports to be a warehouse receipt.

SECTION 7—402. *Duplicate Receipt or Bill; Overissue.*

Neither a duplicate nor any other document of title purporting to cover goods already represented by an outstanding document of

the same issuer confers any right in the goods, except as provided in the case of bills in a set, overissue of documents for fungible goods and substitutes for lost, stolen or destroyed documents. But the issuer is liable for damages caused by his overissue or failure to identify a duplicate document as such by conspicuous notation on its face.

SECTION 7—403. *Obligation of Warehouseman or Carrier to Deliver; Excuse.*

(1) The bailee must deliver the goods to a person entitled under the document who complies with subsections (2) and (3), unless and to the extent that the bailee establishes any of the following:

- (a) delivery of the goods to a person whose receipt was right-ful as against the claimant;
- (b) damage to or delay, loss or destruction of the goods for which the bailee is not liable;
- (c) previous sale or other disposition of the goods in lawful enforcement of a lien or on warehouseman's lawful termination of storage;
- (d) the exercise by a seller of his right to stop delivery pursuant to the provisions of the Article on Sales (Section 2—705);
- (e) a diversion, reconsignment or other disposition pursuant to the provisions of this Article (Section 7—303) or tariff regulating such right;
- (f) release, satisfaction or any other fact affording a personal defense against the claimant;
- (g) any other lawful excuse.

(2) A person claiming goods covered by a document of title must satisfy the bailee's lien where the bailee so requests or where the bailee is prohibited by law from delivering the goods until the charges are paid.

(3) Unless the person claiming is one against whom the document confers no right under Sec. 7—503 (1), he must surrender for cancellation or notation of partial deliveries any outstanding negotiable document covering the goods, and the bailee must cancel the document or conspicuously note the partial delivery thereon or be liable to any person to whom the document is duly negotiated.

(4) "Person" entitled under the document" means holder in the case of a negotiable document, or the person to whom delivery is to be made by the terms of or pursuant to written instructions under a non-negotiable document.

SECTION 7—404. *No Liability for Good Faith Delivery Pursuant to Receipt or Bill.*

A bailee who in good faith including observance of reasonable commercial standards has received goods and delivered or otherwise disposed of them according to the terms of the document of title or pursuant to this Article is not liable therefor. This rule applies even though the person from whom he received the goods had no authority to procure the document or to dispose of the goods and even though the person to whom he delivered the goods had no authority to receive them.

PART 5**WAREHOUSE RECEIPTS AND BILLS OF LADING:
NEGOTIATION AND TRANSFER****SECTION 7—501. *Form of Negotiation and Requirements of "Due Negotiation".***

(1) A negotiable document of title running to the order of a named person is negotiated by his indorsement and delivery. After his indorsement in blank or to bearer any person can negotiate it by delivery alone.

(2) (a) A negotiable document of title is also negotiated by delivery alone when by its original terms it runs to bearer.

(b) When a document running to the order of a named person is delivered to him the effect is the same as if the document had been negotiated.

(3) Negotiation of a negotiable document of title after it has been indorsed to a specified person requires indorsement by the special indorsee as well as delivery.

(4) A negotiable document of title is "duly negotiated" when it is negotiated in the manner stated in this section to a holder who purchases it in good faith without notice of any defense against or claim to it on the part of any person and for value, unless it is established that the negotiation is not in the regular course of business or financing or involves receiving the document in settlement or payment of a money obligation.

(5) Indorsement of a non-negotiable document neither makes it negotiable nor adds to the transferee's rights.

(6) The naming in a negotiable bill of a person to be notified of the arrival of the goods does not limit the negotiability of the

bill nor constitute notice to a purchaser thereof of any interest of such person in the goods.

SECTION 7—502. *Rights Acquired by Due Negotiation.*

(1) Subject to the following section and to the provisions of Section 7—205 on fungible goods, a holder to whom a negotiable document of title has been duly negotiated acquires thereby:

- (a) title to the document;
- (b) title to the goods;
- (c) all rights accruing under the law of agency or estoppel, including rights to goods delivered to the bailee after the document was issued; and
- (d) the direct obligation of the issuer to hold or deliver the goods according to the terms of the document free of any defense or claim by him except those arising under the terms of the document or under this Article. In the case of a delivery order the bailee's obligation accrues only upon acceptance and the obligation acquired by the holder is that the issuer and any indorser will procure the acceptance of the bailee.

(2) Subject to the following section, title and rights so acquired are not defeated by any stoppage of the goods represented by the document or by surrender of such goods by the bailee, and are not impaired even though the negotiation or any prior negotiation constituted a breach of duty or even though any person has been deprived of possession of the document by misrepresentation, fraud, accident, mistake, duress, loss, theft or conversion, or even though a previous sale or other transfer of the goods or document has been made to a third person.

SECTION 7—503. *Document of Title to Goods Defeated in Certain Cases.*

(1) A document of title confers no right in goods against a person who before issuance of the document had a legal interest or a perfected security interest in them and who neither

- (a) delivered or entrusted them or any document of title covering them to the bailor or his nominee with actual or apparent authority to ship, store or sell or with power to obtain delivery under this Article (Section 7—403) or with power of disposition under this Act (Sections 2—403 and 9—307) or other statute or rule of law; nor

(b) acquiesced in the procurement by the bailor or his nominee of any document of title.

(2) Title to goods based upon an unaccepted delivery order is subject to the rights of anyone to whom a negotiable warehouse receipt or bill of lading covering the goods has been duly negotiated. Such a title may be defeated under the next section to the same extent as the rights of the issuer or a transferee from the issuer.

(3) Title to goods based upon a bill of lading issued to a freight forwarder is subject to the rights of anyone to whom a bill issued by the freight forwarder is duly negotiated; but delivery by the carrier in accordance with Part 4 of this Article pursuant to its own bill of lading discharges the carrier's obligation to deliver.

SECTION-7—504. *Rights Acquired in the Absence of Due Negotiation; Effect of Division; Seller's Stoppage of Delivery.*

(1) A transferee of a document, whether negotiable or non-negotiable, to whom the document has been delivered but not duly negotiated, acquires the title and rights which his transferor had or had actual authority to convey.

(2) In the case of a non-negotiable document, until but not after the bailee receives notification of the transfer, the rights of the transferee may be defeated

- (a) by those creditors of the transferor who could treat the sale as void under Section 2—402; or
- (b) by a buyer from the transferor in ordinary course of business if the bailee has delivered the goods to the buyer or received notification of his rights; or
- (c) as against the bailee by good faith dealings of the bailee with the transferor.

(3) A diversion or other change of shipping instructions by the consignor in a non-negotiable bill of lading which causes the bailee not to deliver to the consignee defeats the consignee's title to the goods if they have been delivered to a buyer in ordinary course of business and in any event defeats the consignee's rights against the bailee.

(4) Delivery pursuant to a non-negotiable document may be stopped by a seller under Section 2—705, and subject to the requirement of due notification there provided. A bailee honoring the seller's instructions is entitled to be indemnified by the seller against any resulting loss or expense.

SECTION 7—505. *Indorser Not a Guarantor for Other Parties.*

The indorsement of a document of title issued by a bailee does not make the indorser liable for any default by the bailee or by previous indorsers.

SECTION 7—506. *Delivery Without Indorsement: Right to Compel Indorsement.*

The transferee of a negotiable document of title has a specifically enforceable right to have his transferor supply any necessary indorsement but the transfer becomes a negotiation only as of the time the indorsement is supplied.

SECTION 7—507. *Warranties on Negotiation or Transfer of Receipt or Bill.*

Where a person negotiates or transfers a document of title for value otherwise than as a mere intermediary under the next following section, then unless otherwise agreed he warrants to his immediate purchaser only in addition to any warranty made in selling the goods

- (a) that the document is genuine; and
- (b) that he has no knowledge of any fact which would impair its validity or worth; and
- (c) that his negotiation or transfer is rightful and fully effective with respect to the title to the document and the goods it represents.

SECTION 7—508. *Warranties of Collecting Bank as to Documents.*

A collecting bank or other intermediary known to be entrusted with documents on behalf of another or with collection of a draft or other claim against delivery of documents warrants by such delivery of the documents only its own good faith and authority. This rule applies even though the intermediary has purchased or made advances against the claim or draft to be collected.

SECTION 7—509. *Receipt or Bill: When Adequate Compliance With Commercial Contract.*

The question whether a document is adequate to fulfill the obligations of a contract for sale or the conditions of a credit is governed by the Articles on Sales (Article 2) and on Letters of Credit (Article 5).

PART 6

WAREHOUSE RECEIPTS AND BILLS OF LADING:
MISCELLANEOUS PROVISIONSSECTION 7—601. *Lost and Missing Documents.*

(1) If a document has been lost, stolen or destroyed, a court may order delivery of the goods or issuance of a substitute document and the bailee may without liability to any person comply with such order. If the document was negotiable the claimant must post security approved by the court to indemnify any person who may suffer loss as a result of non-surrender of the document. If the document was not negotiable, such security may be required at the discretion of the court. The court may also in its discretion order payment of the bailee's reasonable costs and counsel fees.

(2) A bailee who without court order delivers goods to a person claiming under a missing negotiable document is liable to any person injured thereby, and if the delivery is not in good faith becomes liable for conversion. Delivery in good faith is not conversion if made in accordance with a filed classification or tariff or, where no classification or tariff is filed, if the claimant posts security with the bailee in an amount at least double the value of the goods at the time of posting to indemnify any person injured by the delivery who files a notice of claim within one year after the delivery.

SECTION 7—602. *Attachment of Goods Covered by a Negotiable Document.*

Except where the document was originally issued upon delivery of the goods by a person who had no power to dispose of them, no lien attaches by virtue of any judicial process to goods in the possession of a bailee for which a negotiable document of title is outstanding unless the document be first surrendered to the bailee or its negotiation enjoined, and the bailee shall not be compelled to deliver the goods pursuant to process until the document is surrendered to him or impounded by the court. One who purchases the document for value without notice of the process or injunction takes free of the lien imposed by judicial process.

SECTION 7—603. *Conflicting Claims; Interpleader.*

If more than one person claims title or possession of the goods, the bailee is excused from delivery until he has had a reasonable

time to ascertain the validity of the adverse claims or to bring an action to compel all claimants to interplead and may compel such interpleader, either in defending an action for non-delivery of the goods, or by original action, whichever is appropriate.

ARTICLE 8

INVESTMENT SECURITIES

General Introduction

Article 8 of the Uniform Commercial Code is a unique effort to state legal rules for transfer of all forms of investment securities. Such securities present special problems which are not shared by commercial paper and which, therefore, require special treatment. In South Carolina, at present, investment securities are governed by a variety of statutes. The Uniform Stock Transfer Act (Chapter 7 of the Corporation Law, S. C. Code Sections 12-17.1-12-17.25 (Supp. 1963)) applies only to stock certificates. The Negotiable Instruments Law (S. C. Code Sections 8-801 *et seq.* (1962)) applies to bonds, debentures, and other forms of creditor securities, as well as to commercial paper. The Uniform Act for the Simplification of Fiduciary Security Transfers, S. C. Code Sections 62-451—62-456 (1962), states important rules but only for a limited class of security transfers. A variety of state and municipal bond statutes specially provide for the negotiability of those instruments many of which would be non-negotiable under the N.I.L. Scattered provisions elsewhere in the South Carolina Code of Laws also apply to investment securities. Since the transfer and registration of all forms of investment securities are subject to uniform treatment, adoption of Article 8 would, first of all, simplify the statute law.

The advantages of Article 8, if the Uniform Commercial Code is adopted, are several. First, since the transfer and registration of all investment securities can be treated alike, adoption of Article 8 would simplify the relevant statute law. Second, Article 8 covers areas of commercial practice not previously found in any other general statute, *e. g.*, transfer of investment securities issued in registered form (including stock and many bonds). Third, Article 8 states many rules inappropriate to commercial paper but essential to ready marketability of investment paper. Finally, it conveniently codifies a great deal of scattered case-law both in South Carolina and elsewhere.

The problems of investment securities in the United States have chiefly clustered around the application and effect of the N.I.L. on bonds, debentures and like securities. Unlike the English Bills of Exchange Act which applied only to bills, notes and checks, the N.I.L. definition of negotiable instrument was unlimited, so that its requirements for negotiability applied to all instruments, including bonds, etc. See *President and Directors of the Manhattan Co. v. Morgan*, 242 N. Y. 38, 150 N. E. 94 (1926). South Carolina cases have similarly judged the negotiability of investment securities against the N.I.L. requirements, and the case law rules which it codified. Since the effect was often to deny negotiability to important classes of investment securities, and thus to make them unmarketable, special statutes were enacted declaring negotiable various instruments which could not meet the N.I.L. tests. See the South Carolina Reporter's Comments to Code section 8-202 discussing state and municipal bonds, and the Appendix setting forth relevant statutory provisions.

Among the chief barriers to bond negotiability under the N.I.L., which Article 8 corrects, are the following:

(1) References in bonds to special indenture provisions governing the mortgage or other security, *e. g.*, vesting the trustee with exclusive power to foreclose the security, etc. The technical difficulty was that such provisions seemed contrary to the N.I.L. requirement of an "unconditional promise" to pay a sum certain in money. N. I. L. Section 1(2), S. C. Code Section 8-811(2). *Enoch v. Brandon*, 249 N. Y. 263, 164 N. E. (45) (1928) partly resolved the problem by holding that all such provisions applied only to the security and did not affect the bond's basic promise to pay. Article 8 does not require an "unconditional promise" to pay as a prerequisite to negotiability of bonds. And Code section 8-202(1) authorizes incorporation by reference of terms in an indenture or other instrument. Together these Code sections remove the threat to negotiability.

(2) Payment from Particular Assets: Certain municipal bonds provide for payment only out of a special fund, *e. g.*, revenues of a public utility, thus avoiding in South Carolina the constitutional limit on general obligation bonds. Equipment trust certificates are similarly payable only out of special funds, *e. g.*, rentals from equipment leases. See also corporation income bonds. Such provisions contravene the N.I.L. requirement of an unconditional promise (Section 1(2) and 3, S. C. Code Sections 8-811(2), 8-813). Special South Carolina statutes make revenue bonds fully negotiable. See

S. C. Code Section 59-396, Appendix, *infra*. Commercial Code Article 8 contains no provision shadowing negotiability of bonds payable from special funds or sources.

(3) Some doubt is occasionally voiced as to negotiability of securities in registered form, on the ground that typical provisions for transfer of such instruments "on the books of the" issuer conflict with forms of transfer prescribed by the N.I.L. This appears to be an unreal fear, since "transfer on the books" is essentially a registration of transfer. The Commercial Code, however, makes it clear that registered form securities are fully negotiable, whether they be bonds or stocks (previously covered by the Uniform Stock Transfer Act).

As indicated above, unlike the N.I.L., Article 8 does not specify what provisions an investment security must contain or may not contain in order to be fully negotiable. As fully explained in the notes to Code section 8-102, almost all securities are negotiable if they are "of a type commonly dealt in upon securities exchanges or markets or commonly recognized . . . as a medium for investment." Code section 8-101(1)(a)(ii).

The South Carolina Reporter's Comments to Article 8 compares the Code provisions with present South Carolina law,⁶ especially the statutes, and the new corporation law. There are relatively few South Carolina cases pertinent to the Article 8 provisions, but it is believed that all of them have been located and cited for comparison and comment. Constant reference is made to the new Corporation Law. Article 8 provisions are not compared with the commercial paper sections of Article 3 to avoid undue bulk and peripheral explanations of the variations. In general, the reader is urged to refer back to Article 3 section comments for discussion of common topics not covered by Article 8 section comments.

ARTICLE 8

INVESTMENT SECURITIES

PART 1

SHORT TITLE AND GENERAL MATTERS

SECTION 8—101. *Short Title.*

This Article shall be known and may be cited as Uniform Commercial Code—Investment Securities.

SECTION 8—102. *Definitions and Index of Definitions.*

- (1) In this Article unless the context otherwise requires
 - (a) A “security” is an instrument which
 - (i) is issued in bearer or registered form; and
 - (ii) is of a type commonly dealt in upon securities exchanges or markets or commonly recognized in any area in which it is issued or dealt in as a medium for investment; and
 - (iii) is either one of a class or series or by its terms is divisible into a class or series of instruments; and
 - (iv) evidences a share, participation or other interest in property or in an enterprise or evidences an obligation of the issuer.
 - (b) A writing which is a security is governed by this Article and not by Uniform Commercial Code-Commercial Paper even though it also meets the requirements of that Article. This Article does not apply to money.
 - (c) A security is in “registered form” when it specifies a person entitled to the security or to the rights it evidences and when its transfer may be registered upon books maintained for that purpose by or on behalf of an issuer or the security so states.
 - (d) A security is in “bearer form” when it runs to bearer according to its terms and not by reason of any indorsement.
- (2) A “subsequent purchaser” is a person who takes other than by original issue.
- (3) A “clearing corporation” is a corporation all of the capital stock of which is held by or for a national securities exchange or association registered under a statute of the United States such as the Securities Exchange Act of 1934.
- (4) A “custodian bank” is any bank or trust company which is supervised and examined by state or federal authority having supervision over banks and which is acting as custodian for a clearing corporation.
- (5) Other definitions applying to this Article or to specified Parts thereof and the sections in which they appear are:

“Adverse claim”.	Section 8-301.
“Bona fide purchaser”.	Section 8-302.
“Broker”.	Section 8-303.

"Guarantee of the signature".	Section 8-402.
"Intermediary bank".	Section 4-105.
"Issuer".	Section 8-201.
"Overissue".	Section 8-104.

(6) In addition Article 1 contains general definitions and principles of construction and interpretation applicable throughout this Article.

SECTION 8—103. *Issuer's Lien.*

A lien upon a security in favor of an issuer thereof is valid against a purchaser only if the right of the issuer to such lien is noted conspicuously on the security.

SECTION 8—104. *Effect of Overissue; "Overissue."*

(1) The provisions of this Article which validate a security or compel its issue or reissue do not apply to the extent that validation, issue or reissue would result in overissue; but

- (a) if an identical security which does not constitute an overissue is reasonably available for purchase, the person entitled to issue or validation may compel the issuer to purchase and deliver such a security to him against surrender of the security, if any, which he holds; or
- (b) if a security is not so available for purchase, the person entitled to issue or validation may recover from the issuer the price he or the last purchaser for value paid for it with interest from the date of his demand.

(2) "Overissue" means the issue of securities in excess of the amount which the issuer has corporate power to issue.

SECTION 8—105. *Securities Negotiable; Presumptions.*

(1) Securities governed by this Article are negotiable instruments.

(2) In any action on a security

- (a) unless specifically denied in the pleadings, each signature on the security or in a necessary indorsement is admitted;
- (b) when the effectiveness of a signature is put in issue the burden of establishing it is on the party claiming under the signature but the signature is presumed to be genuine or authorized;
- (c) when signatures are admitted or established production of the instrument entitles a holder to recover on it unless the

defendant establishes a defense or a defect going to the validity of the security; and

- (d) after it is shown that a defense or defect exists the plaintiff has the burden of establishing that he or some person under whom he claims is a person against whom the defense or defect is ineffective (Section 8—202).

SECTION 8—106. *Applicability.*

The validity of a security and the rights and duties of the issuer with respect to registration of transfer are governed by the law (including the conflict of laws rules) of the jurisdiction of organization of the issuer.

SECTION 8—107. *Securities Deliverable; Action for Price.*

(1) Unless otherwise agreed and subject to any applicable law or regulation respecting short sales, a person obligated to deliver securities may deliver any security of the specified issue in bearer form or registered in the name of the transferee or indorsed to him or in blank.

(2) When the buyer fails to pay the price as it comes due under a contract of sale the seller may recover the price

- (a) of securities accepted by the buyer; and
- (b) of other securities if efforts at their resale would be unduly burdensome or if there is no readily available market for their resale.

PART 2

ISSUE—ISSUER

SECTION 8—201. *“Issuer.”*

(1) With respect to obligations on or defenses to a security “issuer” includes a person who

- (a) places or authorizes the placing of his name on a security (otherwise than as authenticating trustee, registrar, transfer agent or the like) to evidence that it represents a share, participation or other interest in his property or in an enterprise or to evidence his duty to perform an obligation evidenced by the security; or
- (b) directly or indirectly creates fractional interests in his rights or property which fractional interests are evidenced by securities; or

(c) becomes responsible for or in place of any other person described as an issuer in this section.

(2) With respect to obligations on or defenses to a security a guarantor is an issuer to the extent of his guaranty whether or not his obligation is noted on the security.

(3) With respect to registration of transfer (Part 4 of this Article) "issuer" means a person on whose behalf transfer books are maintained.

SECTION 8—202. *Issuer's Responsibility and Defenses; Notice of Defect or Defense.*

(1) Even against a purchaser for value and without notice, the terms of a security include those stated on the security and those made part of the security by reference to another instrument, indenture or document or to a constitution, statute, ordinance, rule, regulation, order or the like to the extent that the terms so referred to do not conflict with the stated terms. Such a reference does not of itself charge a purchaser for value with notice of a defect going to the validity of the security even though the security expressly states that a person accepting it admits such notice.

(2) (a) A security other than one issued by a government or governmental agency or unit even though issued with a defect going to its validity is valid in the hands of a purchaser for value and without notice of the particular defect unless the defect involves a violation of constitutional provisions in which case the security is valid in the hands of a subsequent purchaser for value and without notice of the defect.

(b) The rule of subparagraph (a) applies to an issuer which is a government or governmental agency or unit only if either there has been substantial compliance with the legal requirements governing the issue or the issuer has received a substantial consideration for the issue as a whole or for the particular security and a stated purpose of the issue is one for which the issuer has power to borrow money or issue the security.

(3) Except as otherwise provided in the case of certain unauthorized signatures on issue (Section 8—205), lack of genuineness of a security is a complete defense even against a purchaser for value and without notice.

(4) All other defenses of the issuer including nondelivery and conditional delivery of the security are ineffective against a purchaser for value who has taken without notice of the particular defense.

(5) Nothing in this section shall be construed to affect the right of a party to a “when, as and if issued” or a “when distributed” contract to cancel the contract in the event of a material change in the character of the security which is the subject of the contract or in the plan or arrangement pursuant to which such security is to be issued or distributed.

SECTION 8—203. *Staleness as Notice of Defects or Defenses.*

(1) After an act or event which creates a right to immediate performance of the principal obligation evidenced by the security or which sets a date on or after which the security is to be presented or surrendered for redemption or exchange, a purchaser is charged with notice of any defect in its issue or defense of the issuer

- (a) if the act or event is one requiring the payment of money or the delivery of securities or both on presentation or surrender of the security and such funds or securities are available on the date set for payment or exchange and he takes the security more than one year after that date; and
- (b) if the act or event is not covered by paragraph (a) and he takes the security more than two years after the date set for surrender or presentation or the date on which such performance became due.

(2) A call which has been revoked is not within subsection (1).

SECTION 8—204. *Effect of Issuer's Restrictions on Transfer.*

Unless noted conspicuously on the security a restriction on transfer imposed by the issuer even though otherwise lawful is ineffective except against a person with actual knowledge of it.

SECTION 8—205. *Effect of Unauthorized Signature on Issue.*

An unauthorized signature placed on a security prior to or in the course of issue is ineffective except that the signature is effective in favor of a purchaser for value and without notice of the lack of authority if the signing has been done by

- (a) an authenticating trustee, registrar, transfer agent or other person entrusted by the issuer with the signing of the security or of similar securities or their immediate preparation for signing; or

- (b) an employee of the issuer or of any of the foregoing entrusted with responsible handling of the security.

SECTION 8—206. *Completion or Alteration of Instrument.*

(1) Where a security contains the signatures necessary to its issue or transfer but is incomplete in any other respect

- (a) any person may complete it by filling in the blanks as authorized; and
- (b) even though the blanks are incorrectly filled in, the security as completed is enforceable by a purchaser who took it for value and without notice of such incorrectness.

(2) A complete security which has been improperly altered even, though fraudulently remains enforceable but only according to its original terms.

SECTION 8—207. *Rights of Issuer With Respect to Registered Owners.*

(1) Prior to due presentment for registration of transfer of a security in registered form the issuer or indenture trustee may treat the registered owner as the person exclusively entitled to vote, to receive notifications and otherwise to exercise all the rights and powers of an owner.

(2) Nothing in this Article shall be construed to affect the liability of the registered owner of a security for calls, assessments or the like.

SECTION 8—208. *Effect of Signature of Authenticating Trustee, Registrar or Transfer Agent.*

(1) A person placing his signature upon a security as authenticating trustee, registrar, transfer agent or the like warrants to a purchaser for value without notice of the particular defect that

- (a) the security is genuine; and
- (b) his own participation in the issue of the security is within his capacity and within the scope of the authorization received by him from the issuer; and
- (c) he has reasonable grounds to believe that the security is in the form and within the amount the issuer is authorized to issue.

(2) Unless otherwise agreed, a person by so placing his signature does not assume responsibility for the validity of the security in other respects.

PART 3

PURCHASE

SECTION 8—301. *Rights Acquired by Purchaser; "Adverse Claim"; Title Acquired by Bona Fide Purchaser.*

(1) Upon delivery of a security the purchaser acquires the rights in the security which his transferor had or had actual authority to convey except that a purchaser who has himself been a party to any fraud or illegality affecting the security or who as a prior holder had notice of an adverse claim cannot improve his position by taking from a later bona fide purchaser. "Adverse claim" includes a claim that a transfer was or would be wrongful or that a particular adverse person is the owner of or has an interest in the security.

(2) A bona fide purchaser in addition to acquiring the rights of a purchaser also acquires the security free of any adverse claim.

(3) A purchaser of a limited interest acquires rights only to the extent of the interest purchased.

SECTION 8—302. *"Bona Fide Purchaser."*

A "bona fide purchaser" is a purchaser for value in good faith and without notice of any adverse claim who takes delivery of a security in bearer form or of one in registered form issued to him or indorsed to him or in blank.

SECTION 8—303. *"Broker."*

"Broker" means a person engaged for all or part of his time in the business of buying and selling securities, who in the transaction concerned acts for, or buys a security from or sells a security to a customer. Nothing in this Article determines the capacity in which a person acts for purposes of any other statute or rule to which such person is subject.

SECTION 8—304. *Notice to Purchaser of Adverse Claims.*

(1) A purchaser (including a broker for the seller or buyer but excluding an intermediary bank) of a security is charged with notice of adverse claims if

- (a) the security whether in bearer or registered form has been indorsed "for collection" or "for surrender" or for some other purpose not involving transfer; or
- (b) the security is in bearer form and has on it an unambiguous statement that it is the property of a person other than the

transferor. The mere writing of a name on a security is not such a statement.

(2) The fact that the purchaser (including a broker for the seller or buyer) has notice that the security is held for a third person or is registered in the name of or indorsed by a fiduciary does not create a duty of inquiry into the rightfulness of the transfer or constitute notice of adverse claims. If, however, the purchaser (excluding an intermediary bank) has knowledge that the proceeds are being used or that the transaction is for the individual benefit of the fiduciary or otherwise in breach of duty, the purchaser is charged with notice of adverse claims.

SECTION 8—305. *Staleness as Notice of Adverse Claims.*

An act or event which creates a right to immediate performance of the principal obligation evidenced by the security or which sets a date on or after which the security is to be presented or surrendered for redemption or exchange does not of itself constitute any notice of adverse claims except in the case of a purchase

- (a) after one year from any date set for such presentment or surrender for redemption or exchange; or
- (b) after six months from any date set for payment of money against presentation or surrender of the security if funds are available for payment on that date.

SECTION 8—306. *Warranties on Presentment and Transfer.*

(1) A person who presents a security for registration of transfer or for payment or exchange warrants to the issuer that he is entitled to the registration, payment or exchange. But a purchaser for value without notice of adverse claims who receives a new, reissued or re-registered security on registration of transfer warrants only that he has no knowledge of any unauthorized signature (Section 8—311) in a necessary indorsement.

(2) A person by transferring a security to a purchaser for value warrants only that

- (a) his transfer is effective and rightful; and
- (b) the security is genuine and has not been materially altered; and
- (c) he knows no fact which might impair the validity of the security.

(3) Where a security is delivered by an intermediary known to be entrusted with delivery of the security on behalf of another or with

collection of a draft or other claim against such delivery, the intermediary by such delivery warrants only his own good faith and authority even though he has purchased or made advances against the claim to be collected against the delivery.

(4) A pledgee or other holder for security who redelivers the security received, or after payment and on order of the debtor delivers that security to a third person makes only the warranties of an intermediary under subsection (3).

(5) A broker gives to his customer and to the issuer and a purchaser the warranties provided in this section and has the rights and privileges of a purchaser under this section. The warranties of and in favor of the broker acting as an agent are in addition to applicable warranties given by and in favor of his customer.

SECTION 8—307. *Effect of Delivery Without Indorsement; Right to Compel Indorsement.*

Where a security in registered form has been delivered to a purchaser without a necessary indorsement he may become a bona fide purchaser only as of the time the indorsement is supplied, but against the transferor the transfer is complete upon delivery and the purchaser has a specifically enforceable right to have any necessary indorsement supplied.

SECTION 8—308. *Indorsement, How Made; Special Indorsement; Indorser Not a Guarantor; Partial Assignment.*

(1) An indorsement of a security in registered form is made when an appropriate person signs on it or on a separate document an assignment or transfer of the security or a power to assign or transfer it or when the signature of such person is written without more upon the back of the security.

(2) An indorsement may be in blank or special. An indorsement in blank includes an indorsement to bearer. A special indorsement specifies the person to whom the security is to be transferred, or who has power to transfer it. A holder may convert a blank indorsement into a special indorsement.

(3) "An appropriate person" in subsection (1) means

(a) the person specified by the security or by special indorsement to be entitled to the security; or

- (b) where the person so specified is described as a fiduciary but is no longer serving in the described capacity,—either that person or his successor; or
- (c) where the security or indorsement so specifies more than one person as fiduciaries and one or more are no longer serving in the described capacity,—the remaining fiduciary or fiduciaries, whether or not a successor has been appointed or qualified; or
- (d) where the person so specified is an individual and is without capacity to act by virtue of death, incompetence, infancy or otherwise,—his executor, administrator, guardian or like fiduciary; or
- (e) where the security or indorsement so specifies more than one person as tenants by the entirety or with right of survivorship and by reason of death all cannot sign,—the survivor or survivors; or
- (f) a person having power to sign under applicable law or controlling instrument; or
- (g) to the extent that any of the foregoing persons may act through an agent,—his authorized agent.

(4) Unless otherwise agreed the indorser by his indorsement assumes no obligation that the security will be honored by the issuer.

(5) An indorsement purporting to be only of part of a security representing units intended by the issuer to be separately transferable is effective to the extent of the indorsement.

(6) Whether the person signing is appropriate is determined as of the date of signing and an indorsement by such a person does not become unauthorized for the purposes of this Article by virtue of any subsequent change of circumstances.

(7) Failure of a fiduciary to comply with a controlling instrument or with the law of the state having jurisdiction of the fiduciary relationship, including any law requiring the fiduciary to obtain court approval of the transfer, does not render his indorsement unauthorized for the purposes of this Article.

SECTION 8—309. *Effect of Indorsement Without Delivery.*

An indorsement of a security whether special or in blank does not constitute a transfer until delivery of the security on which it appears or if the indorsement is on a separate document until delivery of both the document and the security.

SECTION 8—310. *Indorsement of Security in Bearer Form.*

An indorsement of a security in bearer form may give notice of adverse claims (Section 8—304) but does not otherwise affect any right to registration the holder may possess.

SECTION 8—311. *Effect of Unauthorized Indorsement.*

Unless the owner has ratified an unauthorized indorsement or is otherwise precluded from asserting its ineffectiveness

- (a) he may assert its ineffectiveness against the issuer or any purchaser other than a purchaser for value and without notice of adverse claims who has in good faith received a new, reissued or re-registered security on registration of transfer; and
- (b) an issuer who registers the transfer of a security upon the unauthorized indorsement is subject to liability for improper registration (Section 8—404).

SECTION 8—312. *Effect of Guaranteeing Signature or Indorsement.*

(1) Any person guaranteeing a signature of an indorser of a security warrants that at the time of signing

- (a) the signature was genuine; and
- (b) the signer was an appropriate person to indorse (Section 8—308); and
- (c) the signer had legal capacity to sign.

But the guarantor does not otherwise warrant the rightfulness of the particular transfer.

(2) Any person may guarantee an indorsement of a security and by so doing warrants not only the signature (subsection 1) but also the rightfulness of the particular transfer in all respects. But no issuer may require a guarantee of indorsement as a condition to registration of transfer.

(3) The foregoing warranties are made to any person taking or dealing with the security in reliance on the guarantee and the guarantor is liable to such person for any loss resulting from breach of the warranties.

SECTION 8—313. *When Delivery to the Purchaser Occurs; Purchaser's Broker as Holder.*

(1) Delivery to a purchaser occurs when

- (a) he or a person designated by him acquires possession of a security; or

- (b) his broker acquires possession of a security specially indorsed to or issued in the name of the purchaser; or
- (c) his broker sends him confirmation of the purchase and also by book entry or otherwise identifies a specific security in the broker's possession as belonging to the purchaser; or
- (d) with respect to an identified security to be delivered while still in the possession of a third person when that person acknowledges that he holds for the purchaser; or
- (e) appropriate entries on the books of a clearing corporation are made under Section 8—320.

(2) The purchaser is the owner of a security held for him by his broker, but is not the holder except as specified in subparagraphs (b), (c) and (e) of subsection (1). Where a security is part of a fungible bulk the purchaser is the owner of a proportionate property interest in the fungible bulk.

(3) Notice of an adverse claim received by the broker or by the purchaser after the broker takes delivery as a holder for value is not effective either as to the broker or as to the purchaser. However, as between the broker and the purchaser the purchaser may demand delivery of an equivalent security as to which no notice of an adverse claim has been received.

SECTION 8—314. *Duty to Deliver, When Completed.*

(1) Unless otherwise agreed where a sale of a security is made on an exchange or otherwise through brokers

- (a) the selling customer fulfills his duty to deliver when he places such a security in the possession of the selling broker or of a person designated by the broker or if requested causes an acknowledgment to be made to the selling broker that it is held for him; and
- (b) the selling broker including a correspondent broker acting for a selling customer fulfills his duty to deliver by placing the security or a like security in the possession of the buying broker or a person designated by him or by effecting clearance of the sale in accordance with the rules of the exchange on which the transaction took place.

(2) Except as otherwise provided in this section and unless otherwise agreed, a transferor's duty to deliver a security under a contract of purchase is not fulfilled until he places the security in form to be negotiated by the purchaser in the possession of the purchaser

or of a person designated by him or at the purchaser's request causes an acknowledgment to be made to the purchaser that it is held for him. Unless made on an exchange a sale to a broker purchasing for his own account is within this subsection and not within subsection (1).

SECTION 8—315. *Action Against Purchaser Based Upon Wrongful Transfer.*

(1) Any person against whom the transfer of a security is wrongful for any reason, including his incapacity, may against anyone except a bona fide purchaser reclaim possession of the security or obtain possession of any new security evidencing all or part of the same rights or have damages.

(2) If the transfer is wrongful because of an unauthorized indorsement, the owner may also reclaim or obtain possession of the security or new security even from a bona fide purchaser if the ineffectiveness of the purported indorsement can be asserted against him under the provisions of this Article on unauthorized indorsements (Section 8—311).

(3) The right to obtain or reclaim possession of a security may be specifically enforced and its transfer enjoined and the security impounded pending the litigation.

SECTION 8—316. *Purchaser's Right to Requisites for Registration of Transfer on Books.*

Unless otherwise agreed the transferor must on due demand supply his purchaser with any proof of his authority to transfer or with any other requisite which may be necessary to obtain registration of the transfer of the security but if the transfer is not for value a transferor need not do so unless the purchaser furnishes the necessary expenses. Failure to comply with a demand made within a reasonable time gives the purchaser the right to reject or rescind the transfer.

SECTION 8—317. *Attachment or Levy Upon Security.*

(1) No attachment or levy upon a security or any share or other interest evidenced thereby which is outstanding shall be valid until the security is actually seized by the officer making the attachment or levy but a security which has been surrendered to the issuer may be attached or levied upon at the source.

(2) A creditor whose debtor is the owner of a security shall be entitled to such aid from courts of appropriate jurisdiction, by in-

junction or otherwise, in reaching such security or in satisfying the claim by means thereof as is allowed at law or in equity in regard to property which cannot readily be attached or levied upon by ordinary legal process.

SECTION 8—318. *No Conversion by Good Faith Delivery.*

An agent or bailee who in good faith (including observance of reasonable commercial standards if he is in the business of buying, selling or otherwise dealing with securities) has received securities and sold, pledged or delivered them according to the instructions of his principal is not liable for conversion or for participation in breach of fiduciary duty although the principal had no right to dispose of them.

SECTION 8—319. *Statute of Frauds.*

A contract for the sale of securities is not enforceable by way of action or defense unless

- (a) there is some writing signed by the party against whom enforcement is sought or by his authorized agent or broker sufficient to indicate that a contract has been made for sale of a stated quantity of described securities at a defined or stated price; or
- (b) delivery of the security has been accepted or payment has been made but the contract is enforceable under this provision only to the extent of such delivery or payment; or
- (c) within a reasonable time a writing in confirmation of the sale or purchase and sufficient against the sender under paragraph (a) has been received by the party against whom enforcement is sought and he has failed to send written objection to its contents within ten days after its receipt; or
- (d) the party against whom enforcement is sought admits in his pleading, testimony or otherwise in court that a contract was made for sale of a stated quantity of described securities at a defined or stated price.

SECTION 8—320. *Transfer or Pledge within a Central Depository System.*

- (1) If a security
 - (a) is in the custody of a clearing corporation or of a custodian bank or a nominee of either subject to the instructions of the clearing corporation; and

- (b) is in bearer form or indorsed in blank by an appropriate person or registered in the name of the clearing corporation or custodian bank or a nominee of either; and
- (c) is shown on the account of a transferor or pledgor on the books of the clearing corporation;

then, in addition to other methods, a transfer or pledge of the security or any interest therein may be effected by the making of appropriate entries on the books of the clearing corporation reducing the account of the transferor or pledgor and increasing the account of the transferee or pledgee by the amount of the obligation or the number of shares or rights transferred or pledged.

(2) Under this section entries may be with respect to like securities or interests therein as a part of a fungible bulk and may refer merely to a quantity of a particular security without reference to the name of the registered owner, certificate or bond number or the like and, in appropriate cases, may be on a net basis taking into account other transfers or pledges of the same security.

(3) A transfer or pledge under this section has the effect of a delivery of a security in bearer form or duly indorsed in blank (Section 8-301) representing the amount of the obligation or the number of shares or rights transferred or pledged. If a pledge or the creation of a security interest is intended, the making of entries has the effect of a taking of delivery by the pledgee or a secured party (Sections 9-304 and 9-305). A transferee or pledgee under this section is a holder.

(4) A transfer or pledge under this section does not constitute a registration of transfer under Part 4 of this Article.

(5) That entries made on the books of the clearing corporation as provided in subsection (1) are not appropriate does not affect the validity or effect of the entries nor the liabilities or obligations of the clearing corporation to any person adversely affected thereby.

REGISTRATION

INTRODUCTORY NOTE

Part 4 of Article 8, dealing with the issuer's rights and duties on registration of transfer of securities, makes the most far-reaching alterations of prior law. In South Carolina, however, the local impact of these changes is softened because the 1960 General Assembly enacted the Uniform Act for Simplification of Fiduciary Security

Transfers ("Simplification Act"), S. C. Code Sections 62-451 through 62-462 containing rules similar to those of Part 4 of the Code. Speaking generally, Part 4 applies the Simplification Act's theory to the registration of all securities transfers, whether or not be fiduciaries.

The significance of the Code rules on registering transfer can only be appreciated against prior experience, and since the principles of the Simplification Act, despite local adoption, are not widely known, it is useful to highlight this background.

A security in registered form, including all stock (at least in the United States) and many bonds, names the owner and "may be" registered, as to that owner (or his nominee), on the books of the corporation. See Corp. Law Section 1.2(g), S. C. Code Section 12-11.2(g) (Supp.) In large part, this is to enable the corporation to determine definitely, at any given time, who is entitled to vote stock, to receive dividends, interest, or other distributions, etc. Only collaterally is it to accomodate the security owner. See the dictum in *Fraser & Dill v. Charleston*, 11 S. C. 486 (1878). When a registered security is disposed of, it is normal (though not necessary) to register it out of the original owner's name and into that of the new owner. Thus, the buyer (or his broker) may purchase the security, and then present it properly indorsed to the issuer for registration in the buyer's name. Or the seller (or his broker) will present the security to the issuer for registration into the buyer's name, or more commonly into that of a broker, before the actual sale is made. So regarded, the issuer does not transfer the security in any meaningful sense; what he does is to record or register a transfer, either completed or projected, as the case may be.

A special definition of the key term "issuer" (see Code section 8-201(3)) as the "person on whose behalf transfer books are maintained", applies throughout Part 4 of Article 8. In the case of a small or medium-size corporation, the transfer books are normally kept by the corporation which issued the securities, sometimes by an employee known as the "transfer clerk". In the case of a corporation with widely traded securities, normally (but not invariably) books are kept on its behalf by one or more agents such as a bank or trust company. Thus, a "transfer agent" handles the actual transfer of stock or bonds on the corporation's books, issuing new certificates, and often performing other services such as mailing notices and disbursing dividends. One or more "registrars" keep a continuing record of the issue and cancellation of the issuer's securities to insure

that the corporation does not issue more shares than authorized or overissue debt securities contrary to indenture restrictions or the like. If the issuer does not list its securities on the New York Stock Exchange, the same institution may act as both transfer agent and registrar. The New York Stock Exchange rules require a separate registrar and transfer agent in any city where such facilities are available, so that there may be an independent check on the issue and cancellation of securities. Thus, South Carolina Electric and Gas Company has New York and South Carolina transfer agents and registrars for its common stock; and New York (but not South Carolina) transfer agents and registrars for its preferred stock. These market customs explain the Code's special definition of "issuer" for Part 4 of Article 8.

Many securities, especially stock, state that they could be transferred only on the books of the corporation (the issuer), *e. g.*, *State Bank of South Carolina v. Herman Cox & Co.*, 11 Rich, Eq. 344 (S. C. 1860), and many still so state. This implied, and the theory came to be, that until the corporation's books were changed to reflect the new owner, the transfer was incomplete. On this theory, "transfer on the books" meant more than just registration, and was integral to conveying full title. An unregistered transfer was said to be merely an "assignment" of the security, but the assignee was not a true "owner", since he was not such as to the corporation and third parties. This terminology has carried forward, so that, in the language of transfer agents and of some statutes (*e. g.*, the Simplification Act), a security is "assigned" by its owner, and it is "transferred" on the issuer's books, "in person" or by one's "attorney". However, despite continued use of these terms, the meaning has changed. Since the Uniform Transfer Act (Corporation Law) Ch. 7, S. C. Code Section 12-17.1 *et seq.* (Supp.), a transfer of the stock certificate transfers whether or not the new owner is registered on the books. (After transfer and before registration, the record owner holds the stock for the transferee as a trustee of a "dry trust" and may be compelled the interest, thus constituting the transferee the owner of the stock, in equity to give the transferee a proxy to vote the shares.) In general, a security transfer is complete when delivered and, where necessary, properly indorsed. Viewed this way, "transfer on the books" is logically immaterial to the actual transfer of ownership; it is merely a matter of recording or registering the transfer, and thus has, in principle, nothing more to do with the transfer than

recording a deed has to do with the validity of the transfer between the parties.

Securities may be improperly transferred, either because (1) transfer was in breach of trust (using that term to apply broadly to all breaches of fiduciary duty. Thus, the focus of the problem has been the issuer's duty to inquire into adverse claims to a security whose transfer it is asked to register. No duty of inquiry by the issuer was the rule under early American decisions, *e. g.*, *Bank of Virginia v. Craig*, 6 Leigh (50 Va.) 390 (1835), which followed English cases, *e. g.*, *Hartga v. Bank of England*, 3 Ves. Jr. 56, 30 Eng. Rep. 891 (Ch. 1796), since codified as Companies Act 1968, 11 & 12 Geo. 6, c. 38, section 117. Under this view, the issuer was liable for registering transfer on a forged or otherwise unauthorized indorsement, but not for registering a transfer that was wrongful in the sense of a breach of trust or other duty. Fiduciary security transfers could be registered easily and simply, both into and out of a fiduciary's name; in the case of a transfer by one not named as a fiduciary, *e. g.*, by a broker, the issuer need only satisfy itself that the presenter had authority from the fiduciary.

An 1848 circuit decision by Chief Justice Taney decisively altered relevant American law. *Lowry v. Commerical & Farmers' Bank*, 15 Fed. Case 1040 (No. 8581) (C. C. D. Md. 1848) declared (*Id.* at 1047) that the corporation is

the custodian of the shares of stock, and clothed with power sufficient to protect the rights of everyone interested, from unauthorized transfers; it is a trust placed in the hands of the corporation for the protection of individual interests, and like every other trustee, it is bound to execute the trust with proper diligence and care, and is responsible for any injury sustained by its negligence and misconduct.

The court held that a corporation transferring securities contrary to provisions of a will is liable for breach of trust, since it constructively had knowledge of the terms of this publicly recorded document. A line of authority firmly established this as the rule in South Carolina. *Magwood v. Railroad Bank*, 5 S. C. 379 (1874) (leading case with full discussion of policy) *Witsell v. Charleston*, 7 S. C. 88 (1875); *Webb v. Graniteville Mfg. Co.*, 11 S. C. 396 (1878); *Chapman v. City Council of Charleston*, 28 S. C. 373 (1888). On the other hand, the South Carolina courts often upheld issuers' registration of trans-

fer. *E.g.*, *Campbell v. Bank of Charleston*, 3 S. C. 384 (1871) (Executor wrongfully sold decedent's stock to BFP; bank demanded and relied on probate judge's certificate of authority in registering transfer; *held*, bank protected because "it exercised all the care and caution demanded by a due regard to its own interest" and that of the injured owner); *State Bank of South Carolina v. Herman Cox & Co.*, 11 Rich. Eq. 344 (S. C. 1860) (Transfer by attorney-in-fact for his personal interests to a BFP; *held*, BFP prevails over the owner; no question raised as to propriety of bank's registering transfer; *Fraser & Dill v. City Council of Charleston*, 11 S. C. 486 (1878) (issuer, City of Charleston, properly registered wrongful transfer of city stock; indeed, "the bank [BFP] could have compelled the city to [register] transfer [of] the stock").

An obvious consequence of a rule which in effect makes the corporation guarantee the rightfulness of any security transfer was excessive documentation of fiduciary security transfers, with great expense and delay to the presenter, coupled with various indemnity agreements and guarantees.

Leaving aside the history of reforms in this area (see Braucher, *Security Transfers by Fiduciaries*, 43 Minn. L. Rev. 193 (1958), South Carolina, in effect, repudiated its cases accepting the Taney doctrine when it adopted the Simplification Act. The heart of this Act (S. C. Code Section 62-454) permits the issuer to assume the rightfulness of a fiduciary security transfer, absent notice of adverse claims given in prescribed form (S. C. Code Section 62-456), expressly negates liability when the issuer acts in accord with the statute (S. C. Code Section 62-457). Another local statute authorizes banks and trust company fiduciaries to hold securities "in the name of a nominee or nominees thereof", and negates an issuer's liability for registering transfer "when the transfer is made upon the authorization of such nominee" (S. C. Code Section 62-433). The Uniform Stock Transfer Act did not touch stock registration.

Viewed against these recent statutory developments, Part 4 of the Code is a logical step. Following the Simplification Act's cue, it declares general rules for all security transfers. Briefly summarized, Code section 8-401 makes it the issuer's affirmative duty to register transfer, and correlatively recognizes the presenter's enforceable right thereto, if specified conditions are met. (1) The security is indorsed by an "appropriate person" (Code section 9-308), that is, by persons authorized to make the necessary signatures, even though a particular

transfer may be in breach of trust or otherwise wrongful. Registering transfer on a forged or otherwise unauthorized signature, exposes the issuer to its traditional absolute liability. (2) The issuer has no duty to inquire into the rightfulness of the transfer, that is, into adverse claims or it has discharged that duty. Code section 8-403. If both conditions are fulfilled, the issuer is not liable, Code section 8-404(1); otherwise, it remains liable, *viz.*, for registering an unauthorized transfer or failing to fulfill its limited duty of inquiry, if any. See Code section 8-404(2). The issuer may protect itself by demanding "reasonable assurances" that signatures are genuine and effective (Code section 8-402), by a signature guarantee (Code section 8-312); but it is penalized if it demands further assurances (Code section 8-402).

In sum, the Code modifies the issuer's strict trustee liability under the Taney decision and its progeny, but falls far short of reinstating the early American rule of no trustee liability. Whether or not the Code properly adopted this half-way house, the draftsmen declined to discard entirely the Taney doctrine but sought (and probably have achieved) a pragmatic solution to the problem of excessive documentation.

PART 4

REGISTRATION

SECTION 8—401. *Duty of Issuer to Register Transfer.*

(1) Where a security in registered form is presented to the issuer with a request to register transfer, the issuer is under a duty to register the transfer as requested if

- (a) the security is indorsed by the appropriate person or persons (Section 8—308); and
- (b) reasonable assurance is given that those indorsements are genuine and effective (Section 8—402); and
- (c) the issuer has no duty to inquire into adverse claims or has discharged any such duty (Section 8—403); and
- (d) any applicable law relating to the collection of taxes has been complied with; and
- (e) the transfer is in fact rightful or is to a bona fide purchaser.

(2) Where an issuer is under a duty to register a transfer of a security the issuer is also liable to the person presenting it for registration or his principal for loss resulting from any unreason-

able delay in registration or from failure or refusal to register the transfer.

SECTION 8—402. *Assurance that Indorsements Are Effective.*

(1) The issuer may require the following assurance that each necessary indorsement (Section 8—308) is genuine and effective

- (a) in all cases, a guarantee of the signature (subsection (1) of Section 8-312) of the person indorsing; and
- (b) where the indorsement is by an agent, appropriate assurance of authority to sign;
- (c) where the indorsement is by a fiduciary, appropriate evidence of appointment or incumbency;
- (d) where there is more than one fiduciary, reasonable assurance that all who are required to sign have done so;
- (e) where the indorsement is by a person not covered by any of the foregoing, assurance appropriate to the case corresponding as nearly as may be to the foregoing.

(2) A “guarantee of the signature” in subsection (1) means a guarantee signed by or on behalf of a person reasonably believed by the issuer to be responsible. The issuer may adopt standards with respect to responsibility provided such standards are not manifestly unreasonable.

(3) “Appropriate evidence of appointment or incumbency” in subsection (1) means

- (a) in the case of a fiduciary appointed or qualified by a court, a certificate issued by or under the direction or supervision of that court or an officer thereof and dated within sixty days before the date of presentation for transfer; or
- (b) in any other case, a copy of a document showing the appointment or a certificate issued by or on behalf of a person reasonably believed by the issuer to be responsible or, in the absence of such a document or certificate, other evidence reasonably deemed by the issuer to be appropriate. The issuer may adopt standards with respect to such evidence provided such standards are not manifestly unreasonable. The issuer is not charged with notice of the contents of any document obtained pursuant to this paragraph (b) except to the extent that the contents relate directly to the appointment or incumbency.

(4) The issuer may elect to require reasonable assurance beyond that specified in this section but if it does so and for a purpose other than that specified in subsection 3(b) both requires and obtains a copy of a will, trust, indenture, articles of co-partnership, by-laws or other controlling instrument it is charged with notice of all matters contained therein affecting the transfer.

SECTION 8—403. *Limited Duty of Inquiry.*

(1) An issuer to whom a security is presented for registration is under a duty to inquire into adverse claims if

- (a) a written notification of an adverse claim is received at a time and in a manner which affords the issuer a reasonable opportunity to act on it prior to the issuance of a new, re-issued or re-registered security and the notification identifies the claimant, the registered owner and the issue of which the security is a part and provides an address for communications directed to the claimant; or
- (b) the issuer is charged with notice of an adverse claim from a controlling instrument which it has elected to require under subsection (4) of Section 8—402.

(2) The issuer may discharge any duty of inquiry by any reasonable means, including notifying an adverse claimant by registered or certified mail at the address furnished by him or if there be no such address at his residence or regular place of business that the security has been presented for registration of transfer by a named person, and that the transfer will be registered unless within thirty days from the date of mailing the notification, either

- (a) an appropriate restraining order, injunction or other process issues from a court of competent jurisdiction; or
- (b) an indemnity bond sufficient in the issuer's judgment to protect the issuer and any transfer agent, registrar or other agent of the issuer involved, from any loss which it or they may suffer by complying with the adverse claim is filed with the issuer.

(3) Unless an issuer is charged with notice of an adverse claim from a controlling instrument which it has elected to require under subsection (4) of Section 8—402 or receives notification of an adverse claim under subsection (1) of this section, where a security presented for registration is indorsed by the appropriate person or persons the issuer is under no duty to inquire into adverse claims. In particular

- (a) an issuer registering a security in the name of a person who is a fiduciary or who is described as a fiduciary is not bound to inquire into the existence, extent, or correct description of the fiduciary relationship and thereafter the issuer may assume without inquiry that the newly registered owner continues to be the fiduciary until the issuer receives written notice that the fiduciary is no longer acting as such with respect to the particular security;
- (b) an issuer registering transfer on an indorsement by a fiduciary is not bound to inquire whether the transfer is made in compliance with a controlling instrument or with the law of the state having jurisdiction of the fiduciary relationship, including any law requiring the fiduciary to obtain court approval of the transfer; and
- (c) the issuer is not charged with notice of the contents of any court record or file or other recorded or unrecorded document even though the document is in its possession and even though the transfer is made on the indorsement of a fiduciary to the fiduciary himself or to his nominee.

SECTION 8—404. *Liability and Non-Liability for Registration.*

(1) Except as otherwise provided in any law relating to the collection of taxes, the issuer is not liable to the owner or any other person suffering loss as a result of the registration of a transfer of a security if

- (a) there were on or with the security the necessary indorsements (Section 8—308); and
- (b) the issuer had no duty to inquire into adverse claims or has discharged any such duty (Section 8—403).

(2) Where an issuer has registered a transfer of a security to a person not entitled to it the issuer on demand must deliver a like security to the true owner unless

- (a) the registration was pursuant to subsection (1); or
- (b) the owner is precluded from asserting any claim for registering the transfer under subsection (1) of the following section; or
- (c) such delivery would result in overissue, in which case the issuer's liability is governed by Section 8—104.

SECTION 8—405. *Lost, Destroyed and Stolen Securities.*

(1) Where a security has been lost, apparently destroyed or wrongfully taken and the owner fails to notify the issuer of that fact within a reasonable time after he has notice of it and the issuer registers a transfer of the security before receiving such a notification, the owner is precluded from asserting against the issuer any claim for registering the transfer under the preceding section or any claim to a new security under this section.

(2) Where the owner of a security claims that the security has been lost, destroyed or wrongfully taken, the issuer must issue a new security in place of the original security if the owner

- (a) so requests before the issuer has notice that the security has been acquired by a bona fide purchaser; and
- (b) files with the issuer a sufficient indemnity bond; and
- (c) satisfies any other reasonable requirements imposed by the issuer.

(3) If, after the issue of the new security, a bona fide purchaser of the original security presents it for registration of transfer, the issuer must register the transfer unless registration would result in overissue, in which event the issuer's liability is governed by Section 8—104. In addition to any rights on the indemnity bond, the issuer may recover the new security from the person to whom it was issued or any person taking under him except a bona fide purchaser.

SECTION 8—406. *Duty of Authenticating Trustee, Transfer Agent or Registrar.*

(1) Where a person acts as authenticating trustee, transfer agent, registrar, or other agent for an issuer in the registration of transfers of its securities or in the issue of new securities or in the cancellation of surrendered securities

- (a) he is under a duty to the issuer to exercise good faith and due diligence in performing his functions; and
- (b) he has with regard to the particular functions he performs the same obligation to the holder or owner of the security and has the same rights and privileges as the issuer has in regard to those functions.

(2) Notice to an authenticating trustee, transfer agent, registrar or other such agent is notice to the issuer with respect to the functions performed by the agent.

ARTICLE 9

SECURED TRANSACTIONS

Article 9 is probably the most important article of the Code since its scope reaches transactions whose intended effect is to create a security interest in personal property. Furthermore, in order to accomplish its fundamental objective of providing uniform and simplified rules governing chattel security which meet modern commercial needs, it has been necessary to introduce a number of new concepts which would more substantially change existing practice than any other article of the Code.

In limiting the area of coverage to chattel financing, Article 9 divorces itself from its ancestor, the real property mortgage. Existing state statutory expressions of local public policy regulating credit (*e. g.*, usury and small loan acts) and creating liens in favor of preferred creditors (*e. g.*, landlords and materialmen) are unaffected by this article. Also, existing federal legislation dealing with the recording of a security interest in certain types of collateral, such as airplanes, and ships and state automobile title laws, are made to fit into the scheme of Article 9 without change. The remaining aspects of secured financing law including the creation, attachment and perfection of a security interest are treated for the first time in an integrated comprehensive and uniform way by this article.

In treating a security transaction as a single unity in which there is a conveyance of a security interest in personal property to secure the payment of a debt, Article 9 rejects any distinction based on the form or designation of the device employed, such as chattel mortgage, conditional sales agreement, trust receipt, etc. Different results are reached in some instances on functional grounds depending upon the nature of the collateral and its use. For this purpose, Section 9-109 divides all collateral into four classifications: consumer goods, used for personal purposes; equipment, used principally in business; farm products in possession of a person engaged in farming operations; and inventory held by a business enterprise for sale or materials used, consumed, or manufactured.

Consistent with this general functional rather than formal and conceptual approach, Article 9 states substantive rules without regard to the ancient controversy over whether the secured party acquires "title" to collateral or a "mere lien."

Creation of the Security Interest

In order to create or convey a security interest which is valid between the parties, a minimum of formalities are prescribed by the Code. The pledge type is recognized and requires nothing more than delivery of the collateral or documents of title which represent the goods pledged. For the creation of the more usual type of non-possessory security interest, all that is necessary is a simple security agreement signed by the debtor containing a general description of the collateral (9-203). When there is such an agreement, value is given, and the debtor has rights in the collateral, the security interest attaches in favor of the secured party (9-204).

In a modern industrial economy there is frequently an urgent need for even the most successful and solvent business enterprise to acquire working capital in order to finance the acquisition of inventory and meet current operational expenses. A financier may be willing to supply these funds only when he can acquire a valid security interest in the commercial debtor's inventory or equipment which will stand up against claims of third parties. Since inventory is frequently in a state of motion in the resale or manufacturing cycle, what is needed is an effective "floating lien" which automatically feeds the security agreement as it is acquired by the debtor. Where the collateral is business equipment which may be replaced before the loan is repaid, it is also commercially desirable for the replacements to automatically attach to the security interest.

One of the most significant accomplishments of Article 9 is that it meets these needs by expressly validating the "after-acquired-property" clause in a security agreement whereby a lien on inventory or replacement equipment attaches as it is acquired by the debtor (9-204). To complete the commercial objective of a continuing extension of credit secured by new inventory or equipment as acquired, Section 9-204 expressly validates the extension of the security interest to future advances.

The effectiveness of this inventory financing arrangement to withstand the attack of unsecured creditors directly, or through their representatives, the trustee in bankruptcy, has been in doubt ever since the 1925 United States Supreme Court decision of *Benedict v. Ratner* (268 U. S. 353) held the transaction void where the debtor was given unfettered dominion or control over the inventory collateral. Code Section 9-205 removes that doubt by rejecting the prin-

cial of *Benedict v. Ratner* as a matter of state law which should be controlling in federal bankruptcy litigation.

The validation of the “after-acquired-property” clause as the key to effective commercial financing, does not apply to consumer goods acquired by the debtor more than ten days after the secured party gives value. This is in recognition of the social and economic objection of tying up all of the future acquisitions of an individual by such a continuing blanket lien. A similar policy decision is the basis of the limitation on crop financing to crops which become such within one year after the security agreement is executed.

Perfection

The Code continues to recognize that for most types of collateral, perfection of the security interest against third parties—the real test of its effectiveness—may be accomplished alternatively by pledge or by record notice. The Code adopts what may be generally described as a “lien creditor-race” approach. Only creditors who have obtained a lien without knowledge of the security interest and before it is perfected may defeat the security interest (9-301). As between conflicting security interests in the same collateral, priority is accorded to the first to perfect, regardless of notice, and regardless of the order of attachment. Furthermore, a bona fide purchaser of the collateral for value and without knowledge of the security interest has the right to rely on possession in the debtor and will usually take free of the unfiled security interest.

These generalizations are subject to some important exceptions and modifications which need to be outlined in order to present a clearer and more accurate picture of the Code’s approach to perfection. It should be noted that perfection is a relative term since the security interest may be perfected as to one class of third parties but not as to another.

In the contest of inventory financing, it is the usual understanding of the parties that the debtor will sell his inventory in the ordinary course of business and is usually so authorized. Code Section 9-307 recognizes this commercial understanding by providing that the buyer out of inventory in the ordinary course of business takes free of the inventory financier’s security interest, even though he has knowledge of it. The proceeds received from such sale of inventory are subject to a continuing security interest in favor of the inventory financier,

if perfected by express coverage in the instrument filed for record. In the event of insolvency proceedings against the debtor, the perfected security interest in proceeds which are commingled with other funds of the debtor is limited to an amount received within ten days of the institution of such insolvency proceedings (9-306). Thus, the inventory financier who properly perfects his security interest, will be protected against the honest insolvency of the debtor, to the extent of the value of the collateral. Despite the Code's rejection of the *Benedict Rule*, which compelled the security financier to exercise some control over the inventory collateral, some element of the policing and accounting doctrine of that case remains, in order to avoid the loss of proceeds received by the debtor more than ten days prior to insolvency proceedings.

Where the secured party does not authorize the sale of the collateral, as where the collateral is business equipment, or in the case of crop financing, a purchaser of the collateral will take subject to the perfected security interest.

No filing is necessary in order to perfect a purchase money security interest in consumer goods and farm equipment having purchase price not in excess of \$2500. Purchases from the debtor, however, will take free of the unfiled security interest in such goods (9-302), (9-307). This treatment of consumer goods does not apply to the financing of automobiles for private use where the state's certificate of title law, eliminating the requirement of perfection by filing, would govern (9-302).

For the mechanics of perfecting a non-possessory security interest in chattel by filing, the Code borrows the concept of "notice filing" from the Uniform Trust Receipts Act (enacted in 33 states but not South Carolina) as an alternative to filing the security agreement itself. This is record or constructive notice by the filing of an abbreviated statement which need only contain the signature and address of the debtor and secured party and a general description of the types or items of the collateral. This "financing statement" device is designed principally to facilitate the perfection of a security interest in inventory where there is a continuing change in the collateral and in the amount of indebtedness. The record notice is effective for a period of five years from the time the statement is presented to the filing clerk with the fee, subject to renewal for a like term by filing a "continuation statement" (9-403).

Since this non-informative notice filing does not reveal the amount of the secured debt at any given time, Section 9-208 makes provision for the debtor to obtain a statement from the secured party of record setting out this information which may be then relied on by third parties who deal with the debtor. Whenever there is no longer an outstanding obligation, Section 9-405 places the burden on a secured party of record to send a "termination statement" to the filing officer to remove the financing statement from the record. If the secured party fails to send such a termination statement within ten days after demand by the debtor, he is liable for \$100. damages plus any loss caused to the debtor by such failure.

Where the collateral remains at rest in the possession of the debtor, the secured party may continue the present practice of filing the security agreement as a "financing statement" rather than execute the separate abbreviated statement which will usually be limited to inventory financing. In that event, the Code eliminates most of the formal and technical prerequisites to filing such as acknowledgement or witnessing. A new requirement is that the secured party must also sign the agreement as a prerequisite to effective filing in order to establish his responsibility for issuing the termination statement.

Priorities

It has been stated that priority among conflicting security interests in the same collateral is determined by the order of perfection. This is true regardless of the order in which the consideration passes—that is, the time when the secured loan is made—and regardless of actual knowledge. A most important application of this rule and the notice filing concept is the protection it affords to the inventory financier in granting maximum protection against the honest insolvency of his debtor. The financier having determined that the debtor's property is not subject to a recorded security interest or creditor's lien, may execute and file the abbreviated financing statement containing a general description of the collateral to be covered, an after-acquired property clause and claim of proceeds, if appropriate. Thereafter, the security agreement may be executed and the money advanced, at which time the security interest in the collateral attaches, but with the effective date of perfection as of the prior time when the financing statement was filed. Even if a creditor of the debtor should acquire a lien or advance money and take a security interest in the same collateral, his interest would be subordinate to the security interest

which was filed first, but which attached later. Assuming that the collateral is inventory and the secured party has authorized its sale, he may now look to the proceeds which were expressly claimed in the filed financing statement and any replacement of inventory which was covered by the after-acquired property clause, all of which were perfected as of the time of initial filing. It is apparent that the drafters of Article 9 focused their attention on this chattel financing situation and set out to accomplish this result by giving maximum protection to the diligent secured party against losses resulting from the honest insolvency of the debtor. It is also apparent that the policy objective designed to lead to this result was to encourage the supplying of working capital, which is a vital ingredient of the expanding industrial economy.

The "first-to-perfect" rule, as the basic formula for determining the order of priorities, is subject to an important qualification where one of the competing claimants holds a purchase money security interest to secure the purchase price of newly acquired goods and the other claims the purchased collateral under an after-acquired property clause. In the context of equipment financing, if the purchase money financier perfects his security interest within ten days after the debtor receives protection in the collateral, he will have a priority claim in this collateral over the financier claiming under an after-acquired property clause. (9-312(4)). This preferred treatment of the purchase money security interest constitutes an exception to the usual rule that after-acquired property feeds a security interest when acquired and is deemed perfected as of the time of the filing of the financing statement containing an after-acquired property clause. Where the collateral is inventory, the purchase money security claimant has priority over a conflicting security interest, only when he perfects before the debtor receives possession of the collateral (without benefit of the ten day grace period for filing), and only if he gives notice of his claim to the inventory financier who has previously filed a financing statement claiming the same inventory under an after-acquired property clause. (9-312(3)). The reason for the additional requirement of notice in order for the purchase money financier of inventory to enjoy a priority position, is to save the initial general inventory financier from the risk of continuing to make advances to the debtor under the belief that the subsequently acquired inventory continues to feed his security interest.

Several other special modifications of the first to perfect priority rule are provided for by the Code. Section 9-312(2) accords priority to a perfected security interest in crops to secure a loan given not more than three months before the crops are planted. Section 9-310 gives priority to statutory liens for services or materials, unless the statute creating the lien provides otherwise.

A security interest in personal property which thereafter becomes a fixture by attachment to real property, takes priority over all prior security claims in the realty (9-313). Similarly, a security interest in goods which are affixed to other goods, (typically a security interest in tires, subsequently installed on cars) takes priority over prior claims to the whole. (9-314.)

Under Section 9-315, a perfected security interest in goods, which through processing become so commingled as to lose their identity in the product or mass (*e. g.*, raw materials), continues in the product or mass. This section also covers the case where the collateral consists of components assembled into a machine and which do not lose their identity. In that case, the security interest may be continued in the product if expressly claimed in the filed financing statement; if not so claimed, the identifiable part will be treated as an accession under Section 9-314. When more than one security interest attaches to the product or mass, the secured parties share in proportion to their contribution.

Default

Part 5 of Article 9 is designed to afford greater flexibility and simplicity in the prescribed manner of liquidating the collateral on default in payment of the secured debt. This policy is balanced against the protection of the debtor's interest that the collateral will realize its fair value. This objective is expressed in Section 9-504 by the key standard for the liquidation sale that it be "commercially reasonable." Without an attempt at a specific definition of this term, certain guidelines and minimum standards are prescribed for the proper disposition of the collateral by the secured party. It may be by public or private sale; with or without processing; in bulk or in parcels. Reasonable notice of the time and place of the disposition must be given to the debtor and other secured parties of record, unless the collateral is perishable, or threatens to decline speedily in value, or is of a type customarily sold on a recognized market.

Code Section 9-505 authorizes the secured party in the possession of the collateral after default to retain the collateral in satisfaction of the

debt if the debtor, or any secured party of record, does not object to such written proposal within 30 days after receipt. Where the collateral is consumer goods and the debtor has paid 60% of the obligation, however, the collateral must be disposed of within 90 days after the secured party takes possession. If the secured party fails to comply with this requirement where the collateral is consumer goods, Section 9-507 gives the debtor the right to recover damages in an amount no less than the total credit charge plus 10% of the debt.

ARTICLE 9

SECURED TRANSACTIONS; SALES OF ACCOUNTS, CONTRACT RIGHTS AND CHATTEL PAPER

Introduction

One of the more important facets of a commercial transaction is the giving of a security interest in personal property for the purpose of securing a debt. Article 9 governs all such security transactions with a few stated exceptions of minor importance (See Commercial Code section 9-104). Its enactment would, therefore, replace a number of existing statutes scattered throughout the Code of Laws of South Carolina which have been drafted at different times by different hands. For example, statutes affecting chattel mortgages (S. C. Code Sections 45-151 to 45-164) and their perfection against third parties (S. C. Code Sections 60-301 to 60-310), assignments of accounts receivable, (S. C. Code Sections 45-201 to 45-211) and factors liens on merchandise (S. C. Code Sections 45-401 to 45-410) would be repealed. In their place, Article 9 would provide a single integrated set of rules designed to simplify, clarify and modernize and to make uniform the law of chattel financing.

While Article 9 deals with the transactions which presently employ such security devices as chattel mortgages, conditional sale contracts, trust receipts, assignments of accounts receivable, factors liens and the like, the rules are stated without regard to the form of the device or the location of title. The approach is to treat a security transaction as a single entity in which there is a conveyance of a security interest. There are some different results based on the more functional ground of the nature of the collateral, *i. e.*, consumer goods, equipment, inventory and farm products.

Article 9 is divided into five parts. Part 1 lays down general rules of applicability and definition of terms. Part 2 governs the validity

of security agreements and the rights of the parties to such agreement. Part 3 is concerned with the rights of third parties and states rules of priority. Part 4 governs filing requirements, and Part 5 rights and obligations upon default in payment of the secured debt.

PART 1

SHORT TITLE, APPLICABILITY AND DEFINITIONS

SECTION 9—101. *Short Title.*

This Article shall be known and may be cited as Uniform Commercial Code—Secured Transactions.

SECTION 9-102. *Policy and Scope of Article.*

(1) Except as otherwise provided in Section 9—103 on multiple state transactions and in Section 9-104 on excluded transactions, this Article applies so far as concerns any personal property and fixtures within the jurisdiction of this state

(a) to any transaction (regardless of its form) which is intended to create a security interest in personal property or fixtures including goods, documents, instruments, general intangibles, chattel paper, accounts or contract rights; and also

(b) to any sale of accounts, contract rights or chattel paper.

(2) This Article applies to security interests created by contract including pledge, assignment, chattel mortgage, chattel trust, trust deed, factor's lien, equipment trust, conditional sale, trust receipt, other lien or title retention contract and lease or consignment intended as security. This Article does not apply to statutory liens except as provided in Section 9-310.

(3) The application of this Article to a security interest in a secured obligation is not affected by the fact that the obligation is itself secured by a transaction or interest to which this Article does not apply.

EDITOR'S NOTE

While most sections of this Article apply to a security interest without regard to the nature of the collateral or its use, some sections state special rules with reference to particular types of collateral. An index of sections where such special rules are stated follows:

ACCOUNTS AND CONTRACT RIGHTS

Section

- 9—102(1) (b) Sale of accounts and contract rights subject to Article
- 9—103(1) When Article applies; conflict of laws rules
- 9—104(f) Certain sales of accounts and contract rights excluded from Article
- 9—106 Definitions
- 9—204(2) (c) and (d) When debtor acquires rights
- 9—205 Permissible for debtor to make collections
- 9—206(1) Agreement not to assert defenses against assignee
- 9—301(1) (d) Unperfected security interest subordinate to certain transferees
- 9—302(1) (e) What assignments need not be filed
- 9—306(5) Rule when goods whose sale gave rise to an account return to seller's possession
- 9—318(1) Rights of assignee subject to defenses
- 9—318(2) Modification of contract after assignment of contract right
- 9—318(3) When account debtor may pay assignor
- 9—318(4) Term prohibiting assignment ineffective
- 9—401 Place of filing
- 9—502 Collection rights of secured party
- 9—504(2) Rights on default where underlying transaction was sale of accounts or contract rights

CHATTEL PAPER

- 9—102(1) (b) Sale subject to Article
- 9—104(f) Certain sales excluded from Article
- 9—105(1) (b) Definition
- 9—205 Permissible for debtor to make collections
- 9—206(1) Agreement not to assert defenses against assignee
- 9—207(1) Duty of secured party in possession to preserve rights against prior parties
- 9—301(1) (c) Unperfected security interest subordinate to certain transferees
- 9—304(1) Perfection by filing
- 9—305 When possession by secured party perfects security interest
- 9—306(5) Rule when goods whose sale results in chattel paper return to seller's possession
- 9—308 When purchasers of chattel paper have priority over security interest
- 9—318(1) Rights of assignee subject to defenses
- 9—318(3) When account debtor may pay assignor
- 9—502 Collection rights of secured party
- 9—504(2) Rights on default where underlying transaction was sale

DOCUMENTS AND INSTRUMENTS

- 9—105(1) (e) Definition of document (and see 1—201)
- 9—105(1) (g) Definition of instrument
- 9—206(1) Rule where buyer of goods signs both negotiable instrument and security agreement

Section

- 9—207(1) Duty of secured party in possession of instrument to preserve rights against prior parties
- 9—301(1) (c) Unperfected security interest subordinate to certain transferees
- 9—302(1) (b) and (f) What interests need not be filed
- 9—304(1) How security interest can be perfected
- 9—304(2, 3) Perfection of security interest in goods in possession of issuer of negotiable document or of other bailee
- 9—304(4, 5) Perfection of security interest in instruments or negotiable documents without filing or transfer of possession
- 9—305 When possession by secured party perfects security interest
- 9—308 When purchasers of non-negotiable instruments have priority over security interest
- 9—309 When purchasers of negotiable instruments or negotiable documents have priority over security interest
- 9—501(1) Rights on default where collateral is documents
- 9—502 Collection rights of secured party

GENERAL INTANGIBLES

- 9—103(2) When Article applies; conflict of laws rules
- 9—105 Obligor is "account debtor"
- 9—106 Definition
- 9—301(1) (d) Unperfected security interest subordinate to certain transferees
- 9—318(1) Rights of assignee subject to defenses
- 9—318(3) When account debtor may pay assignor
- 9—502 Collection rights of secured party

GOODS

(See also Consumer Goods, Equipment, Farm Products, Inventory)

- 9—103(2) When Article applies with regard to goods of a type normally used in more than one jurisdiction; conflict of laws rules
- 9—105(1) (f) Definition
- 9—109 Classification of goods as consumer goods, equipment, farm products and inventory
- 9—203 Formal requisites of security agreement covering certain types of goods (crops, oil, gas, minerals or timber)
- 9—204(2) (b) When debtor acquires rights in certain types of goods (crops, fish, timber, oil, gas, minerals)
- 9—204(4) Validity of after-acquired property clause covering certain types of goods (crops, consumer goods)
- 9—205 Permissible for debtor to accept returned goods
- 9—206(2) When security agreement can limit or modify warranties on sale
- 9—301(1) (c) Unperfected security interest subordinate to certain transferees
- 9—304(2, 3) Perfection of security interest in goods in possession of issuer of negotiable document or of other bailee
- 9—304(5) Perfection of security interest without filing or transfer of possession where goods in possession of certain bailees

Section

- 9—305 When possession by secured party perfects security interest
- 9—306(5) Rule when goods whose sale gave rise to account or chattel paper return to seller's possession
- 9—307 When buyers of goods from debtor take free of security interest
- 9—313 Goods which are or become fixtures
- 9—314 Goods affixed to other goods
- 9—315 Goods commingled in a product
- 9—401(1) (c) Place of filing for fixtures
- 9—402 Form of financing statement covering fixtures
- 9—504(1) Sale of goods by secured party after default subject to Article 2 (Sales)

CONSUMER GOODS

- 9—109(1) Definition
- 9—203(2) Transaction, although subject to this Article, may also be subject to certain regulatory statutes
- 9—204(4) (b) Validity of after-acquired property clause
- 9—206(1) Buyer's agreement not to assert defenses against an assignee subject to statute or decision which establishes rule for buyers of consumer goods
- 9—302(1) (d) When filing not required
- 9—307(2) When buyers from debtor take free of security interest
- 9—401(1) (a) Place of filing
- 9—505(1) Secured party's duty to dispose of repossessed consumer goods
- 9—507(1) Secured party's liability for improper disposition of consumer goods after default

EQUIPMENT

- 9—103(2) When Article applies with regard to certain types of equipment normally used in more than one jurisdiction; conflict of laws rules
- 9—109(2) Definition
- 9—302(1) (c) When filing not required to perfect security interest in certain farm equipment
- 9—307(2) When buyers of certain farm equipment from debtor take free of security interest
- 9—401(1) Place of filing for equipment used in farming operation
- 9—503 Secured party's right after default to remove or to render equipment unusable

FARM PRODUCTS

- 9—109(3) Definition
- 9—203(1) (b) Formal requisites of security agreement covering crops
- 9—204(2) (a) When debtor acquires rights in crops
- 9—204(4) (a) Validity of after-acquired property clause in crops
- 9—307 When a buyer of farm products takes free of security interest
- 9—312(2) Priority of secured party who gives new value to enable debtor to produce crops

Section

9—401(1) (b) Place of filing

9—402(1) and (3) Form of financing statement covering crops

INVENTORY

9—103(2) When Article applies with regard to certain types of inventory normally used in more than one jurisdiction; conflict of laws rules

9—109(4) Definition

9—306(5) Rule where goods whose sale gave rise to account or chattel paper return to seller's possession

9—307(1) When buyers from debtor take free of security interest

9—312(3) When purchase money security interest takes priority over conflicting security interest

Cross References:

Sections 9-103 and 9-104.

Point 1: Section 2-326.

Point 2: Section 1-105.

"Contract". Section 1-201.

"Contract right". Section 9-106.

"Document". Section 9-105.

"General intangibles". Section 9-106.

Definitional Cross References:

"Account". Section 9-106.

"Chattel paper". Section 9-105.

"Goods". Section 9-105.

"Instrument". Section 9-105.

"Security interest". Section 1-201.

SECTION 9—103. *Accounts, Contract Rights, General Intangibles and Equipment Relating to Another Jurisdiction; and Incoming Goods Already Subject to a Security Interest.*

(1) If the office where the assignor of accounts or contract rights keeps his records concerning them is in this state, the validity and perfection of a security interest therein and the possibility and effect of proper filing is governed by this Article; otherwise by the law (including the conflict of laws rules) of the jurisdiction where such office is located.

(2) If the chief place of business of a debtor is in this state, this Article governs the validity and perfection of a security interest and the possibility and effect of proper filing with regard to general intangibles or with regard to goods of a type which are normally used in more than one jurisdiction (such as automotive equipment, rolling stock, airplanes, road building equipment, commercial harvesting equipment, construction machinery and the like) if such goods are classified as equipment or classified as inventory by reason of their being leased by the debtor to others. Otherwise, the law (including the conflict of laws rules) of the jurisdiction where such chief place of business is located shall govern. If the chief place of business is

located in a jurisdiction which does not provide for perfection of the security interest by filing or recording in that jurisdiction, then the security interest may be perfected by filing in this state.

(3) If personal property other than that governed by subsections (1) and (2) is already subject to a security interest when it is brought into this state, the validity of the security interest in this state is to be determined by the law (including the conflict of laws rules) of the jurisdiction where the property was when the security interest attached. However, if the parties to the transaction understood at the time that the security interest attached that the property would be kept in this state and it was brought into this state within 30 days after the security interest attached for purposes other than transportation through this state, then the validity of the security interest in this state is to be determined by the law of this state. If the security interest was already perfected under the law of the jurisdiction where the property was when the security interest attached and before being brought into this state, the security interest continues perfected in this state for four months and also thereafter if within the four month period it is perfected in this state. The security interest may also be perfected in this state after the expiration of the four month period; in such case perfection dates from the time of perfection in this state. If the security interest was not perfected under the law of the jurisdiction where the property was when the security interest attached and before being brought into this state, it may be perfected in this state; in such case perfection dates from the time of perfection in this state.

(4) Notwithstanding subsections (2) and (3), if personal property is covered by a certificate of title issued under a statute of this state or any other jurisdiction which requires indication on a certificate of title of any security interest in the property as a condition of perfection, then the perfection is governed by the law of the jurisdiction which issued the certificate.

SECTION 9—104. *Transactions Excluded From Article.*

This Article does not apply

- (a) to a security interest subject to any statute of the United States such as the Ship Mortgage Act, 1920, to the extent that such statute governs the rights of parties to and third parties affected by transactions in particular types of property; or

- (b) to a landlord's lien; or
- (c) to a lien given by statute or other rule of law for services or materials except as provided in Section 9-310 on priority of such liens; or
- (d) to a transfer of a claim for wages, salary or other compensation of an employee; or
- (e) to an equipment trust covering railway rolling stock; or
- (f) to a sale of accounts, contract rights or chattel paper as part of a sale of the business out of which they arose, or an assignment of accounts, contract rights or chattel paper which is for the purpose of collection only, or a transfer of a contract right to an assignee who is also to do the performance under the contract; or
- (g) to a transfer of an interest or claim in or under any policy of insurance; or
- (h) to a right represented by a judgment; or
- (i) to any right of set-off; or
- (j) except to the extent that provision is made for fixtures in Section 9-313, to the creation or transfer of an interest in or lien on real estate, including a lease or rents thereunder; or
- (k) to a transfer in whole or in part of any of the following:
any claim arising out of tort; any deposit, savings, passbook or like account maintained with a bank, savings and loan association, credit union or like organization.

Section 9—105. Definitions and Index of Definitions.

- (1) In this Article unless the context otherwise requires:
 - (a) "Account debtor" means the person who is obligated on an account, chattel paper, contract right or general intangible;
 - (b) "Chattel paper" means a writing or writings which evidence both a monetary obligation and a security interest in or a lease of specific goods. When a transaction is evidenced both by such a security agreement or a lease and by an instrument or a series of instruments, the group of writings taken together constitutes chattel paper;
 - (c) "Collateral" means the property subject to a security interest, and includes accounts, contract rights and chattel paper which have been sold;
 - (d) "Debtor" means the person who owes payment or other performance of the obligation secured, whether or not he

owns or has rights in the collateral, and includes the seller of accounts, contract rights or chattel paper. Where the debtor and the owner of the collateral are not the same person, the term "debtor" means the owner of the collateral in any provision of the Article dealing with the collateral, the obligor in any provision dealing with the obligation, and may include both where the context so requires;

- (e) "Document" means document of title as defined in the general definitions of Article 1 (Section 1-201);
 - (f) "Goods" includes all things which are movable at the time the security interest attaches or which are fixtures (Section 9-313), but does not include money, documents, instruments, accounts, chattel paper, general intangibles, contract rights and other things in action. "Goods" also include the unborn young of animals and growing crops;
 - (g) "Instrument" means a negotiable instrument (defined in Section 3-104), or a security (defined in Section 8-102) or any other writing which evidences a right to the payment of money and is not itself a security agreement or lease and is of a type which is in ordinary course of business transferred by delivery with any necessary indorsement or assignment;
 - (h) "Security agreement" means an agreement which creates or provides for a security interest;
 - (i) "Secured party" means a lender, seller or other person in whose favor there is a security interest, including a person to whom accounts, contract rights or chattel paper have been sold. When the holders of obligations issued under an indenture of trust, equipment trust agreement or the like are represented by a trustee or other person, the representative is the secured party.
- (2) Other definitions applying to this Article and the sections in which they appear are:

"Account".	Section 9—106.
"Consumer goods".	Section 9—109(1).
"Contract right".	Section 9—106.
"Equipment".	Section 9—109(2).
"Farm products".	Section 9—109(3).
"General intangibles".	Section 9—106.
"Inventory".	Section 9—109(4).
"Lien creditor".	Section 9—301(3).

“Proceeds”. Section 9—306(1).

“Purchase money security interest”. Section 9—107.

(3) The following definitions in other Articles apply to this Article:

“Check”. Section 3—104.

“Contract for sale”. Section 2—106.

“Holder in due course”. Section 3—302.

“Note”. Section 3—104.

“Sale”. Section 2—106.

(4) In addition Article 1 contains general definitions and principles of construction and interpretation applicable throughout this Article.

SECTION 9—106. *Definitions: “Account”; “Contract Right”; “General Intangibles”.*

“Account” means any right to payment for goods sold or leased or for services rendered which is not evidenced by an instrument or chattel paper. “Contract right” means any right to payment under a contract not yet earned by performance and not evidenced by an instrument or chattel paper. “General intangibles” means any personal property (including things in action) other than goods, accounts, contract rights, chattel paper, documents and instruments.

SECTION 9—107. *Definitions: “Purchase Money Security Interest”.*

A security interest is a “purchase money security interest” to the extent that it is

- (a) taken or retained by the seller of the collateral to secure all or part of its price; or
- (b) taken by a person who by making advances or incurring an obligation gives value to enable the debtor to acquire rights in or the use of collateral if such value is in fact so used.

SECTION 9—108. *When After-Acquired Collateral Not Security for Antecedent Debt.*

Where a secured party makes an advance, incurs an obligation, releases a perfected security interest, or otherwise gives new value which is to be secured in whole or in part by after-acquired property his security interest in the after-acquired collateral shall be deemed to be taken for new value and not as security for an antecedent debt if the debtor acquires his rights in such collateral either in the ordinary course of his business or under a contract of purchase made pur-

suant to the security agreement within a reasonable time after new value is given.

SECTION 9—109. *Classification of Goods; "Consumer Goods"; "Equipment"; "Farm Products"; "Inventory".*

Goods are

(1) "consumer goods" if they are used or bought for use primarily for personal, family or household purposes;

(2) "equipment" if they are used or bought for use primarily in business (including farming or a profession) or by a debtor who is a non-profit organization or a governmental subdivision or agency or if the goods are not included in the definitions of inventory, farm products or consumer goods;

(3) "farm products" if they are crops or livestock or supplies used or produced in farming operations or if they are products of crops or livestock in their unmanufactured states (such as ginned cotton, wool-clip, maple syrup, milk and eggs), and if they are in the possession of a debtor engaged in raising, fattening, grazing or other farming operations. If goods are farm products they are neither equipment nor inventory;

(4) "inventory" if they are held by a person who holds them for sale or lease or to be furnished under contracts of service or if he has so furnished them, or if they are raw materials, work in process or materials used or consumed in a business. Inventory of a person is not to be classified as his equipment.

SECTION 9—110. *Sufficiency of Description.*

For the purposes of this Article any description of personal property or real estate is sufficient whether or not it is specific if it reasonably identifies what is described.

SECTION 9—111. *Applicability of Bulk Transfer Laws.*

The creation of a security interest is not a bulk transfer under Article 6 (see Section 6-103).

SECTION 9—112. *Where Collateral Is Not Owned by Debtor.*

Unless otherwise agreed, when a secured party knows that collateral is owned by a person who is not the debtor, the owner of the collateral is entitled to receive from the secured party any surplus under Section 9—502(2) or under Section 9—504(1), and is not

liable for the debt or for any deficiency after resale, and he has the same right as the debtor

- (a) to receive statements under Section 9—208;
- (b) to receive notice of and to object to a secured party's proposal to retain the collateral in satisfaction of the indebtedness under Section 9—505;
- (c) to redeem the collateral under Section 9-506;
- (d) to obtain injunctive or other relief under Section 9—507 (1); and
- (e) to recover losses caused to him under Section 9—208(2).

SECTION 9—113. *Security Interests Arising Under Article on Sales.*

A security interest arising solely under the Article on Sales (Article 2) is subject to the provisions of this Article except that to the extent that and so long as the debtor does not have or does not lawfully obtain possession of the goods

- (a) no security agreement is necessary to make the security interest enforceable; and
- (b) no filing is required to perfect the security interest; and
- (c) the rights of the secured party on default by the debtor are governed by the Article on Sales (Article 2).

PART 2

VALIDITY OF SECURITY AGREEMENT AND RIGHTS OF PARTIES THERETO

SECTION 9—201. *General Validity of Security Agreement.*

Except as otherwise provided by this Act a security agreement is effective according to its terms between the parties, against purchasers of the collateral and against creditors. Nothing in this Article validates any charge or practice illegal under any statute or regulation thereunder governing usury, small loans, retail installment sales, or the like, or extends the application of any such statute or regulation to any transaction not otherwise subject thereto.

SECTION 9—202. *Title to Collateral Immaterial.*

Each provision of this Article with regard to rights, obligations and remedies applies whether title to collateral is in the secured party or in the debtor.

SECTION 9—203. *Enforceability of Security Interest; Proceeds, Formal Requisites.*

(1) Subject to the provisions of Section 4—208 on the security interest of a collecting bank and Section 9—113 on a security interest arising under the Article on Sales, a security interest is not enforceable against the debtor or third parties unless

- (a) the collateral is in the possession of the secured party; or
- (b) the debtor has signed a security agreement which contains a description of the collateral and in addition, when the security interest covers crops or oil, gas or minerals to be extracted or timber to be cut, a description of the land concerned. In describing collateral, the word “proceeds” is sufficient without further description to cover proceeds of any character.

(2) A transaction, although subject to this Article, is also subject to statutes or regulations thereunder governing usury, small loans, retail installment sales, or the like, and in the case of conflict between the provisions of this Article and any such statute, the provisions of such statute control. Failure to comply with any applicable statute has only the effect which is specified therein.

SECTION 9—204. *When Security Interest Attaches; After-Acquired Property; Future Advances.*

(1) A security interest cannot attach until there is agreement (subsection (3) of Section 1—201) that it attach and value is given and the debtor has rights in the collateral. It attaches as soon as all of the events in the preceding sentence have taken place unless explicit agreement postpones the time of attaching.

(2) For the purposes of this section the debtor has no rights

- (a) in crops until they are planted or otherwise become growing crops, in the young of livestock until they are conceived;
- (b) in fish until caught, in oil, gas or minerals until they are extracted, in timber until it is cut;
- (c) in a contract right until the contract has been made;
- (d) in an account until it comes into existence.

(3) Except as provided in subsection (4) a security agreement may provide that collateral, whenever acquired, shall secure all obligations covered by the security agreement.

(4) No security interest attaches under an after-acquired property clause

- (a) to crops which become such more than seven years after the security agreement is executed except that a security interest in crops which is given in conjunction with a lease or a land purchase or improvement transaction evidenced by a contract, mortgage or deed of trust may if so agreed attach to crops to be grown on the land concerned during the period of such real estate transaction;
- (b) to consumer goods other than accessions (Section 9—314) when given as additional security unless the debtor acquires rights in them within ten days after the secured party gives value.

(5) Obligations covered by a security agreement may include future advances or other value whether or not the advances or value are given pursuant to commitment.

SECTION 9—205. *Use or Disposition of Collateral Without Accounting Permissible.*

A security interest is not invalid or fraudulent against creditors by reason of liberty in the debtor to use, commingle or dispose of all or part of the collateral (including returned or repossessed goods) or to collect or compromise accounts, contract rights or chattel paper, or to accept the return of goods or make repossessions, or to use, commingle or dispose of proceeds, or by reason of the failure of the secured party to require the debtor to account for proceeds or replace collateral. This section does not relax the requirements of possession where perfection of a security interest depends upon possession of the collateral by the secured party or by a bailee.

SECTION 9—206. *Agreement Not to Assert Defenses Against Assignee; Modification of Sales Warranties Where Security Agreement Exists.*

(1) Subject to any statute or decision which establishes a different rule for buyers or lessees of consumer goods, an agreement by a buyer or lessee that he will not assert against an assignee any claim or defense which he may have against the seller or lessor is enforceable by an assignee who takes his assignment for value, in good faith and without notice of a claim or defense, except as to defenses of a type which may be asserted against a holder in due course of a

negotiable instrument under the Article on Commercial Paper (Article 3). A buyer who as part of one transaction signs both a negotiable instrument and a security agreement makes such an agreement.

(2) When a seller retains a purchase money security interest in goods the Article on Sales (Article 2) governs the sale and any disclaimer, limitation or modification of the seller's warranties.

SECTION 9—207. *Rights and Duties When Collateral Is in Secured Party's Possession.*

(1) A secured party must use reasonable care in the custody and preservation of collateral in his possession. In the case of an instrument or chattel paper reasonable care includes taking necessary steps to preserve rights against prior parties unless otherwise agreed.

(2) Unless otherwise agreed, when collateral is in the secured party's possession

- (a) reasonable expenses (including the cost of any insurance and payment of taxes or other charges) incurred in the custody, preservation, use or operation of the collateral are chargeable to the debtor and are secured by the collateral;
- (b) the risk of accidental loss or damage is on the debtor to the extent of any deficiency in any effective insurance coverage;
- (c) the secured party may hold as additional security any increase or profits (except money) received from the collateral, but money so received, unless remitted to the debtor, shall be applied in reduction of the secured obligation;
- (d) the secured party must keep the collateral identifiable but fungible collateral may be commingled;
- (e) the secured party may repledge the collateral upon terms which do not impair the debtor's right to redeem it.

(3) A secured party is liable for any loss caused by his failure to meet any obligation imposed by the preceding subsections but does not lose his security interest.

(4) A secured party may use or operate the collateral for the purpose of preserving the collateral or its value or pursuant to the order of a court of appropriate jurisdiction or, except in the case of consumer goods, in the manner and to the extent provided in the security agreement.

SECTION 9—208. *Request for Statement of Account or List of Collateral.*

(1) A debtor may sign a statement indicating what he believes to be the aggregate amount of unpaid indebtedness as of a specified date and may send it to the secured party with a request that the statement be approved or corrected and returned to the debtor. When the security agreement or any other record kept by the secured party identifies the collateral a debtor may similarly request the secured party to approve or correct a list of the collateral.

(2) The secured party must comply with such a request within two weeks after receipt by sending a written correction or approval. If the secured party claims a security interest in all of a particular type of collateral owned by the debtor he may indicate that fact in his reply and need not approve or correct an itemized list of such collateral. If the secured party without reasonable excuse fails to comply he is liable for any loss caused to the debtor thereby; and if the debtor has properly included in his request a good faith statement of the obligation or a list of the collateral or both the secured party may claim a security interest only as shown in the statement against persons misled by his failure to comply. If he no longer has an interest in the obligation or collateral at the time the request is received he must disclose the name and address of any successor in interest known to him and he is liable for any loss caused to the debtor as a result of failure to disclose. A successor in interest is not subject to this section until a request is received by him.

(3) A debtor is entitled to such a statement once every six months without charge. The secured party may require payment of a charge not exceeding \$10 for each additional statement furnished.

PART 3

RIGHTS OF THIRD PARTIES; PERFECTED AND
UNPERFECTED SECURITY INTERESTS;
RULES OF PRIORITYSECTION 9—301. *Persons Who Take Priority Over Unperfected Security Interests; "Lien Creditor".*

(1) Except as otherwise provided in subsection (2), an unperfected security interest is subordinate to the rights of

(a) persons entitled to priority under Section 9-312;

- (b) a person who becomes a lien creditor without knowledge of the security interest and before it is perfected;
 - (c) in the case of goods, instruments, documents, and chattel paper, a person who is not a secured party and who is a transferee in bulk or other buyer not in ordinary course of business to the extent that he gives value and receives delivery of the collateral without knowledge of the security interest and before it is perfected;
 - (d) in the case of accounts, contract rights, and general intangibles, a person who is not a secured party and who is a transferee to the extent that he gives value without knowledge of the security interest and before it is perfected.
- (2) If the secured party files with respect to a purchase money security interest before or within ten days after the collateral comes into possession of the debtor, he takes priority over the rights of a transferee in bulk or of a lien creditor which arise between the time the security interest attaches and the time of filing.
- (3) A "lien creditor" means a creditor who has acquired a lien on the property involved by attachment, levy or the like and includes an assignee for benefit of creditors from the time of assignment, and a trustee in bankruptcy from the date of the filing of the petition or a receiver in equity from the time of appointment. Unless all the creditors represented had knowledge of the security interest such a representative of creditors is a lien creditor without knowledge even though he personally has knowledge of the security interest.

SECTION 9—302. *When Filing Is Required to Perfect Security Interest; Security Interest to Which Filing Provisions of This Article Do Not Apply.*

- (1) A financing statement must be filed to perfect all security interest except the following:
- (a) a security interest in collateral in possession of the secured party under Section 9-305;
 - (b) a security interest temporarily perfected in instruments or documents without delivery under Section 9-304 or in proceeds for a 10 day period under Section 9-306;
 - (c) a purchase money security interest in farm equipment having a purchase price not in excess of \$2,500; but filing is required for a fixture under Section 9-313 or for a motor vehicle required to be licensed;

- (d) a purchase money security interest in consumer goods; but filing is required for a fixture under Section 9-313 or for a motor vehicle required to be licensed;
 - (e) an assignment of accounts or contract rights which does not alone or in conjunction with other assignments to the same assignee transfer a significant part of the outstanding accounts or contract rights of the assignor;
 - (f) a security interest of a collecting bank (Section 4-208) or arising under the Article on Sales (see Section 9-113) or covered in subsection (3) of this section.
- (2) If a secured party assigns a perfected security interest, no filing under this Article is required in order to continue the perfected status of the security interest against creditors of and transferees from the original debtor.
- (3) The filing provisions of this Article do not apply to a security interest in property subject to a statute
- (a) of the United States which provides for a national registration or filing of all security interests in such property; or
 - (b) of this state which provides for central filing of, or which requires indication on a certificate of title of, such security interests in such property, including, but not limited to, the filing provisions of Section 60-252, Code of Laws of South Carolina, 1962, for a security interest in property of any description or any interest therein created by a mortgage made by a railroad company as defined in Section 58-852, Code of Laws of South Carolina, 1962.
- (4) A security interest in property covered by a statute described in subsection (3) can be perfected only by registration or filing under that statute or by indication of the security interest on a certificate of title or a duplicate thereof by a public official.

SECTION 9—303. *When Security Interest is Perfected; Continuity of Perfection.*

- (1) A security interest is perfected when it has attached and when all of the applicable steps required for perfection have been taken. Such steps are specified in Sections 9-302, 9-304, 9-305 and 9-306. If such steps are taken before the security interest attaches, it is perfected at the time when it attaches.
- (2) If a security interest is originally perfected in any way permitted under this Article and is subsequently perfected in some other

way under this Article, without an intermediate period when it was unperfected, the security interest shall be deemed to be perfected continuously for the purpose of this Article.

SECTION 9—304. *Perfection of Security Interest in Instruments, Documents, and Goods Covered by Documents; Perfection by Permissive Filings; Temporary Perfection Without Filing or Transfer of Possession.*

(1) A security interest in chattel paper or negotiable documents may be perfected by filing. A security interest in instruments (other than instruments which constitute part of chattel paper) can be perfected only by the secured party's taking possession, except as provided in subsections (4) and (5).

(2) During the period that goods are in the possession of the issuer of a negotiable document therefor, a security interest in the goods is perfected by perfecting a security interest in the document, and any security interest in the goods otherwise perfected during such period is subject thereto.

(3) A security interest in goods in the possession of a bailee other than one who has issued a negotiable document therefor is perfected by issuance of a document in the name of the secured party or by the bailee's receipt of notification of the secured party's interest or by filing as to the goods.

(4) A security interest in instruments or negotiable documents is perfected without filing or the taking of possession for a period of 21 days from the time it attaches to the extent that it arises for new value given under a written security agreement.

(5) A security interest remains perfected for a period of 21 days without filing where a secured party having a perfected security interest in an instrument, a negotiable document or goods in possession of a bailee other than one who has issued a negotiable document therefor

- (a) makes available to the debtor the goods or documents representing the goods for the purpose of ultimate sale or exchange or for the purpose of loading, unloading, storing, shipping, transshipping, manufacturing, processing or otherwise dealing with them in a manner preliminary to their sale or exchange; or

- (b) delivers the instrument to the debtor for the purpose of ultimate sale or exchange or of presentation, collection, renewal or registration of transfer.

(6) After the 21 day period in subsections (4) and (5) perfection depends upon compliance with applicable provisions of this Article.

SECTION 9—305. *When Possession by Secured Party Perfects Security Interest Without Filing.*

A security interest in letters of credit and advices of credit (subsection (2) (a) of Section 5-116), goods, instruments, negotiable documents or chattel paper may be perfected by the secured party's taking possession of the collateral. If such collateral other than goods covered by a negotiable document is held by a bailee, the secured party is deemed to have possession from the time the bailee receives notification of the secured party's interest. A security interest is perfected by possession from the time possession is taken without relation back and continues only so long as possession is retained, unless otherwise specified in this Article. The security interest may be otherwise perfected as provided in this Article before or after the period of possession by the secured party.

SECTION 9—306. *"Proceeds"; Secured Party's Rights on Disposition of Collateral.*

(1) "Proceeds" includes whatever is received when collateral or proceeds is sold, exchanged, collected or otherwise disposed of. The term also includes the account arising when the right to payment is earned under a contract right. Money, checks and the like are "cash proceeds". All other proceeds are "non-cash proceeds".

(2) Except where this Article otherwise provides, a security interest continues in collateral notwithstanding sale, exchange or other disposition thereof by the debtor unless his action was authorized by the secured party in the security agreement or otherwise, and also continues in any identifiable proceeds including collections received by the debtor.

(3) The security interest in proceeds is a continuously perfected security interest if the interest in the original collateral was perfected but it ceases to be a perfected security interest and becomes unperfected ten days after receipt of the proceeds by the debtor unless

- (a) a filed financing statement covering the original collateral also covers proceeds; or

- (b) the security interest in the proceeds is perfected before the expiration of the ten day period.
- (4) In the event of insolvency proceedings instituted by or against a debtor, a secured party with a perfected security interest in proceeds has a perfected security interest
 - (a) in identifiable non-cash proceeds;
 - (b) in identifiable cash proceeds in the form of money which is not commingled with other money or deposited in a bank account prior to the insolvency proceedings;
 - (c) in identifiable cash proceeds in the form of checks and the like which are not deposited in a bank account prior to the insolvency proceedings; and
 - (d) in all cash and bank accounts of the debtor, if other cash proceeds have been commingled or deposited in a bank account, but the perfected security interest under this paragraph (d) is
 - (i) subject to any right of set-off; and
 - (ii) limited to an amount not greater than the amount of any cash proceeds received by the debtor within ten days before the institution of the insolvency proceedings and commingled or deposited in a bank account prior to the insolvency proceedings less the amount of cash proceeds received by the debtor and paid over to the secured party during the ten day period.
- (5) If a sale of goods results in an account or chattel paper which is transferred by the seller to a secured party, and if the goods are returned to or are repossessed by the seller or the secured party, the following rules determine priorities:
 - (a) If the goods were collateral at the time of sale for an indebtedness of the seller which is still unpaid, the original security interest attaches again to the goods and continues as a perfected security interest if it was perfected at the time when the goods were sold. If the security interest was originally perfected by a filing which is still effective, nothing further is required to continue the perfected status; in any other case, the secured party must take possession of the returned or repossessed goods or must file.
 - (b) An unpaid transferee of the chattel paper has a security interest in the goods against the transferor. Such security interest is prior to a security interest asserted under para-

- graph (a) to the extent that the transferee of the chattel paper was entitled to priority under Section 9-308.
- (c) An unpaid transferee of the account has a security interest in the goods against the transferor. Such security interest is subordinate to a security interest asserted under paragraph (a).
- (d) A security interest of an unpaid transferee asserted under paragraph (b) or (c) must be perfected for protection against creditors of the transferor and purchasers of the returned or repossessed goods.

SECTION 9—307. *Protection of Buyers of Goods.*

(1) A buyer in ordinary course of business (subsection (9) of Section 1-201) other than a person buying farm products from a person engaged in farming operations takes free of a security interest created by his seller even though the security interest is perfected and even though the buyer knows of its existence.

(2) In the case of consumer goods and in the case of farm equipment having an original purchase price not in excess of \$2500 (other than fixtures, see Section 9-313), a buyer takes free of a security interest even though perfected if he buys without knowledge of the security interest, for value and for his own personal, family or household purposes or his own farming operations unless prior to the purchase the secured party has filed a financing statement covering such goods.

SECTION 9—308. *Purchase of Chattel Paper and Non-Negotiable Instruments.*

A purchaser of chattel paper or a non-negotiable instrument who gives new value and takes possession of it in the ordinary course of his business and without knowledge that the specific paper or instrument is subject to a security interest has priority over a security interest which is perfected under Section 9-304 (permissive filing and temporary perfection). A purchaser of chattel paper who gives new value and takes possession of it in the ordinary course of his business has priority over a security interest in chattel paper which is claimed merely as proceeds of inventory subject to a security interest (Section 9-306), even though he knows that the specific paper is subject to the security interest.

SECTION 9—309. *Protection of Purchasers of Instruments and Documents.*

Nothing in this Article limits the rights off a holder in due course of a negotiable instrument (Section 3-302) or a holder to whom a negotiable document of title has been duly negotiated (Section 7-501) or a bona fide purchaser of a security (Section 8-301) and such holders or purchasers take priority over an earlier security interest even though perfected. Filing under this Article does not constitute notice of the security interest to such holders or purchasers.

SECTION 9-310. *Priority of Certain Liens Arising by Operation of Law.*

When a person in the ordinary course of his business furnishes services or materials with respect to goods subject to a security interest, a lien upon goods in the possession of such person given by statute or rule of law for such materials or services takes priority over a perfected security interest unless the lien is statutory and the statute expressly provides otherwise.

SECTION 9—311. *Alienability of Debtor's Rights: Judicial Process.*

The debtor's rights in collateral may be voluntarily or involuntarily transferred (by way of sale, creation of a security interest, attachment, levy, garnishment or other judicial process) notwithstanding a provision in the security agreement prohibiting any transfer or making the transfer constitute a default.

SECTION 9—312. *Priorities Among Conflicting Security Interests in the Same Collateral.*

(1) The rules of priority stated in the following sections shall govern where applicable: Section 4-208 with respect to the security interest of collecting banks in items being collected, accompanying documents and proceeds; Section 9-301 on certain priorities; Section 9-304 on goods covered by documents; Section 9-306 on proceeds and repossessions; Section 9-307 on buyers of goods; Section 9-308 on possessory against nonpossessory interest in chattel paper or non-negotiable instruments; Section 9-309 on security interests in negotiable instruments, documents or securities; Section 9-310 on priorities between perfected security interests and liens by operation of law; Section 9-313 on security interests in fixtures as against interest in real estate; Section 9-314 on security interest in accessions

as against interest in goods; Section 9-315 on conflicting security interests where goods lose their identity or become part of a product; and Section 9-316 on contractual subordination.

(2) A perfected security interest in crops for new value given to enable the debtor to produce the crops during the production season and given not more than three months before the crops become growing crops by planting or otherwise takes priority over an earlier perfected security interest to the extent that such earlier interest secures obligations due more than six months before the crops become growing crops by planting or otherwise, even though the person giving new value had knowledge of the earlier security interest.

(3) A purchase money security interest in inventory collateral has priority over a conflicting security interest in the same collateral if

- (a) the purchase money security interest is perfected at the time the debtor receives possession of the collateral; and
- (b) any secured party whose security interest is known to the holder of the purchase money security interest or who, prior to the date of the filing made by the holder of the purchase money security interest, had filed a financing statement covering the same items or type of inventory, has received notification of the purchase money security interest before the debtor receives possession of the collateral covered by the purchase money security interest; and
- (c) such notification states that the person giving the notice has or expects to acquire a purchase money security interest in inventory of the debtor, describing such inventory by item or type.

(4) A purchase money security interest in collateral other than inventory has priority over a conflicting security interest in the same collateral if the purchase money security interest is perfected at the time the debtor receives possession of the collateral or within ten days thereafter.

(5) In all cases not governed by other rules stated in this section (including cases of purchase money security interest which do not qualify for the special priorities set forth in subsections (3) and (4) of this section), priority between conflicting security interests in the same collateral shall be determined as follows:

- (a) in the order of filing if both are perfected by filing, regardless of which security interest attached first under Section 9-204 (1) and whether it attached before or after filing;
- (b) in the order of perfection unless both are perfected by filing, regardless of which security interest attached first under Section 9-204(1) and, in the case of a filed security interest, whether it attached before or after filing; and
- (c) in order of attachment under Section 9-204(1) so long as neither is perfected.

(6) For the purpose of the priority rules of the immediately preceding subsection, a continuously perfected security interest shall be treated at all times as if perfected by filing if it was originally so perfected and it shall be treated at all times as if perfected otherwise than by filing if it was originally perfected otherwise than by filing.

SECTION 9—313. *Priority of Security Interests in Fixtures.*

(1) The rules of this section do not apply to goods incorporated into a structure in the manner of lumber, bricks, tile, cement, glass, metal work and the like and no security interest in them exists under this Article unless the structure remains personal property under applicable law. The law of this state other than this Act determines whether and when other goods become fixtures. This Act does not prevent creation of an encumbrance upon fixtures or real estate pursuant to the law applicable to real estate.

(2) A security interest which attaches to goods before they become fixtures takes priority as to the goods over the claims of all persons who have an interest in the real estate except as stated in subsection (4).

(3) A security interest which attaches to goods after they become fixtures is valid against all persons subsequently acquiring interests in the real estate except as stated in subsection (4) but is invalid against any person with an interest in the real estate at the time the security interest attaches to the goods who has not in writing consented to the security interest or disclaimed an interest in the goods as fixtures.

(4) The security interests described in subsections (2) and (3) do not take priority over

- (a) a subsequent purchaser for value of any interest in the real estate; or

(b) a creditor with a lien on the real estate subsequently obtained by judicial proceedings; or

(c) a creditor with a prior encumbrance of record on the real estate to the extent that he makes subsequent advances

if the subsequent purchase is made, the lien by judicial proceedings is obtained, or the subsequent advance under the prior encumbrance is made or contracted for without knowledge of the security interest and before it is perfected. A purchaser of the real estate at a foreclosure sale other than an encumbrancer purchasing at his own foreclosure sale is a subsequent purchaser within this section.

(5) When under subsections (2) or (3) and (4) a secured party has priority over the claims of all persons who have interests in the real estate, he may, on default, subject to the provisions of Part 5, remove his collateral from the real estate but he must reimburse any encumbrancer or owner of the real estate who is not the debtor and who has not otherwise agreed for the cost of repair of any physical injury, but not for any diminution in value of the real estate caused by the absence of the goods removed or by any necessity for replacing them. A person entitled to reimbursement may refuse permission to remove until the secured party gives adequate security for the performance of this obligation.

SECTION 9—314. *Accessions.*

(1) A security interest in goods which attaches before they are installed in or affixed to other goods takes priority as to the goods installed or affixed (called in this section "accessions") over the claims of all persons to the whole except as stated in subsection (3) and subject to Section 9-315(1).

(2) A security interest which attaches to goods after they become part of a whole is valid against all persons subsequently acquiring interests in the whole except as stated in subsection (3) but is invalid against any person with an interest in the whole at the time the security interest attaches to the goods who has not in writing consented to the security interest or disclaimed an interest in the goods as part of the whole.

(3) The security interests described in subsections (1) and (2) do not take priority over

(a) a subsequent purchaser for value of any interest in the whole; or

- (b) a creditor with a lien on the whole subsequently obtained by judicial proceedings; or
- (c) a creditor with a prior perfected security interest in the whole to the extent that he makes subsequent advances

if the subsequent purchase is made, the lien by judicial proceedings obtained or the subsequent advance under the prior perfected security interest is made or contracted for without knowledge of the security interest and before it is perfected. A purchaser of the whole at a foreclosure sale other than the holder of a perfected security interest purchasing at his own foreclosure sale is a subsequent purchaser within this section.

(4) When under subsections (1) or (2) and (3) a secured party has an interest in accessions which has priority over the claims of all persons who have interests in the whole, he may on default subject to the provisions of Part 5 remove his collateral from the whole but he must reimburse any encumbrancer or owner of the whole who is not the debtor and who has not otherwise agreed for the cost of repair of any physical injury but not for any diminution in value of the whole caused by the absence of the goods removed or by any necessity for replacing them. A person entitled to reimbursement may refuse permission to remove until the secured party gives adequate security for the performance of this obligation.

SECTION 9—315. *Priority When Goods Are Commingled or Processed.*

(1) If a security interest in goods was perfected and subsequently the goods or a part thereof have become part of a product or mass, the security interest continues in the product or mass if

- (a) the goods are so manufactured, processed, assembled or commingled that their identity is lost in the product or mass; or
- (b) a financing statement covering the original goods also covers the product into which the goods have been manufactured, processed or assembled.

In a case to which paragraph (b) applies, no separate security interest in that part of the original goods which has been manufactured, processed or assembled into the product may be claimed under Section 9—314.

(2) When under subsection (1) more than one security interest attaches to the product or mass, they rank equally according to the

ratio that the cost of the goods to which each interest originally attached bears to the cost of the total product or mass.

SECTION 9—316. *Priority Subject to Subordination.*

Nothing in this Article prevents subordination by agreement by any person entitled to priority.

SECTION 9—317. *Secured Party Not Obligated on Contract of Debtor.*

The mere existence of a security interest or authority given to the debtor to dispose of or use collateral does not impose contract or tort liability upon the secured party for the debtor's acts or omissions.

SECTION 9—318. *Defense Against Assignee; Modification of Contract After Notification of Assignment; Term Prohibiting Assignment Ineffective; Identification and Proof of Assignment.*

(1) Unless an account debtor has made an enforceable agreement not to assert defenses or claims arising out of a sale as provided in Section 9-206 the rights of an assignee are subject to

- (a) all the terms of the contract between the account debtor and assignor and any defense or claim arising therefrom; and
- (b) any other defense or claim of the account debtor against the assignor which accrues before the account debtor receives notification of the assignment.

(2) So far as the right to payment under an assigned contract right has not already become an account, and notwithstanding notification of the assignment, any modification of or substitution for the contract made in good faith and in accordance with reasonable commercial standards is effective against an assignee unless the account debtor has otherwise agreed but the assignee acquires corresponding rights under the modified or substituted contract. The assignment may provide that such modification or substitution is a breach by the assignor.

(3) The account debtor is authorized to pay the assignor until the account debtor receives notification that the account has been assigned and that payment is to be made to the assignee. A notification which does not reasonably identify the rights assigned is ineffective. If requested by the account debtor, the assignee must sea-

sonably furnish reasonable proof that the assignment has been made and unless he does so the account debtor may pay the assignor.

(4) A term in any contract between an account debtor and an assignor which prohibits assignment of an account or contract right to which they are parties is ineffective.

PART 4

FILING

SECTION 9—401. *Place of Filing; Erroneous Filing; Removal of Collateral.*

(1) The proper place to file in order to perfect a security interest is as follows:

- (a) when the collateral is equipment used in farming operations, or farm products, or accounts, contract rights or general intangibles arising from or relating to the sale of farm products by a farmer, or consumer goods, then in the office of the Register of Mesne Conveyances or the Clerk of Court in the county of the debtor's residence or if the debtor is not a resident of this state then in the office of the Register of Mesne Conveyances or the Clerk of Court in the county where the goods are kept, and in addition when the collateral is crops in the office of the Register of Mesne Conveyances or the Clerk of Court in the county where the land on which the crops are growing or to be grown is located;
- (b) when the collateral is goods which at the time the security interest attaches are or are to become fixtures, then in the office where a mortgage on the real estate concerned would be filed or recorded;
- (c) in all other cases, in the office of the Secretary of State.

(2) A filing which is made in good faith in an improper place or not in all of the places required by this section is nevertheless effective with regard to any collateral as to which the filing complied with the requirements of this Article and is also effective with regard to collateral covered by the financing statement against any person who has knowledge of the contents of such financing statement.

(3) A filing which is made in the proper place in this state continues effective even though the debtor's residence or place of business or the location of the collateral or its use, whichever controlled the original filing, is thereafter changed.

(4) If collateral is brought into this state from another jurisdiction, the rules stated in Section 9—103 determine whether filing is necessary in this state.

SECTION 9—402. *Formal Requisites of Financing Statement; Amendments.*

(1) A financing statement is sufficient if it is signed by the debtor and the secured party, gives an address of the secured party from which information concerning the security interest may be obtained, gives a mailing address of the debtor and contains a statement indicating the types, or describing the items, of collateral. A financing statement may be filed before a security agreement is made or a security interest otherwise attaches. When the financing statement covers crops growing or to be grown or goods which are or are to become fixtures, the statement must also contain a description of the real estate concerned. A copy of the security agreement is sufficient as a financing statement if it contains the above information and is signed by both parties.

(2) A financing statement which otherwise complies with subsection (1) is sufficient although it is signed only by the secured party when it is filed to perfect a security interest in

- (a) collateral already subject to a security interest in another jurisdiction when it is brought into this state. Such a financing statement must state that the collateral was brought into this state under such circumstances.
- (b) proceeds under Section 9-306 if the security interest in the original collateral was perfected. Such a financing statement must describe the original collateral.

(3) A form substantially as follows is sufficient to comply with subsection (1):

Name of debtor (or assignor)
Address
Name of secured party (or assignee)
Address
1. This financing statement covers the following types (or items)
of property:
 (Describe)
2. (If collateral is crops) The above described crops are growing
or are to be grown on:
 (Describe Real Estate)

3. (If collateral is goods which are or are to become fixtures)
The above described goods are affixed or to be affixed to:
(Describe Real Estate)

4. (If proceeds or products of collateral are claimed) Proceeds—
Products of the collateral are also covered.
Signature of Debtor (or Assignor)
Signature of Secured Party (or Assignee)

(4) The term “financing statement” as used in this Article means the original financing statement and any amendments but if any amendment adds collateral, it is effective as to the added collateral only from the filing date of the amendment.

(5) A financing statement substantially complying with the requirements of this section is effective even though it contains minor errors which are not seriously misleading.

SECTION 9—403. *What Constitutes Filing; Duration of Filing; Effect of Lapsed Filing; Duties of Filing Officer.*

(1) Presentation for filing of a financial statement and tender of the filing fee or acceptance of the statement by the filing officer constitutes filing under this Article.

(2) A filed financing statement which states a maturity date of the obligation secured of five years or less is effective until such maturity date and thereafter for a period of sixty days. Any other filed financing statement is effective for a period of five years from the date of filing. The effectiveness of a filed financing statement lapses on the expiration of such sixty day period after a stated maturity date or on the expiration of such five year period, as the case may be, unless a continuation statement is filed prior to the lapse. Upon such lapse the security interest becomes unperfected. A filed financing statement which states that the obligation secured is payable on demand is effective for five years from the date of filing.

(3) A continuation statement may be filed by the secured party (i) within six months before and sixty days after a stated maturity date of five years or less, and (ii) otherwise within six months prior to the expiration of the five year period specified in subsection (2). Any such continuation statement must be signed by the secured party, identify the original statement by file number and state that the original statement is still effective. Upon timely filing of the continuation statement, the effectiveness of the original statement

is continued for five years after the last date to which the filing was effective whereupon it lapses in the same manner as provided in subsection (2) unless another continuation statement is filed prior to such lapse. Succeeding continuation statements may be filed in the same manner to continue the effectiveness of the original statement. Unless a statute on disposition of public records provides otherwise, the filing officer may remove a lapsed statement from the files and destroy it.

(4) A filing officer shall mark each statement with a consecutive file number and with the date and hour of filing and shall hold the statement for public inspection. In addition the filing officer shall index the statements according to the name of the debtor and shall note in the index the file number and the address of the debtor given in the statement.

(5) The fee for filing, indexing and furnishing filing data for an original or a continuation statement shall be \$1.00, but this subsection shall not have the effect of repealing existing law as to filing fees in the several counties.

SECTION 9—404. *Termination Statement.*

(1) Whenever there is no outstanding secured obligation and no commitment to make advances, incur obligations or otherwise give value, the secured party must on written demand by the debtor send the debtor a statement that he no longer claims a security interest under the financing statement, which shall be identified by file number. A termination statement signed by a person other than the secured party of record must include or be accompanied by the assignment or a statement by the secured party of record that he has assigned the security interest to the signer of the termination statement. The fee for filing and indexing such an assignment or statement thereof shall be fifty cents. If the affected secured party fails to send such a termination statement within ten days after proper demand therefor he shall be liable to the debtor for one hundred dollars, and in addition for any loss caused to the debtor by such failure.

(2) On presentation to the filing officer of such a termination statement he must note it in the index. The filing officer shall remove from the files, mark "terminated" and send or deliver to the secured party the financing statement and any continuation statement, statement of assignment or statement of release pertaining thereto.

(3) The fee for filing and indexing a termination statement including sending or delivering the financing statement shall be fifty cents.

SECTION 9—405. *Assignment of Security Interest; Duties of Filing Officer; Fees.*

(1) A financing statement may disclose an assignment of a security interest in the collateral described in the statement by indication in the statement of the name and address of the assignee or by an assignment itself or a copy thereof on the face or back of the statement. Either the original secured party or the assignee may sign this statement as the secured party. On presentation to the filing officer of such a financing statement the filing officer shall mark the same as provided in section 9-403(4). The fee for filing, indexing and furnishing filing data for a financing statement so indicating an assignment shall be \$1.00.

(2) A secured party may assign of record all or a part of his rights under a financing statement by the filing of a separate written statement of assignment signed by the secured party of record and setting forth the name of the secured party of record and the debtor, the file number and the date of filing of the financing statement and the name and address of the assignee and containing a description of the collateral assigned. A copy of the assignment is sufficient as a separate statement if it complies with the preceding sentence. On presentation to the filing officer of such a separate statement, the filing officer shall mark such separate statement with the date and hour of the filing. He shall note the assignment on the index of the financing statement. The fee for filing, indexing and furnishing filing data about such a separate statement of assignment shall be fifty cents.

(3) After the disclosure or filing of an assignment under this section, the assignee is the secured party of record.

SECTION 9—406. *Release of Collateral; Duties of Filing Officer; Fees.*

A secured party of record may by his signed statement release all or a part of any collateral described in a filed financing statement. The statement of release is sufficient if it contains a description of the collateral being released, the name and address of the debtor, the name and address of the secured party, and the file number of the financing statement. Upon presentation of such a statement to the filing officer he shall mark the statement with the hour and date of

filing and shall note the same upon the margin of the index of the filing of the financing statement. The fee for filing and noting such a statement of release shall be fifty cents.

SECTION 9—407. *Information From Filing Officer.*

(1) If the person filing any financing statement, termination statement, statement of assignment, or statement of release, furnishes the filing officer a copy thereof, the filing officer shall upon request note upon the copy the file number and date and hour of the filing of the original and deliver or send the copy to such person.

(2) Upon request of any person, the filing officer shall issue his certificate showing whether there is on file on the date and hour stated therein, any presently effective financing statement naming a particular debtor and any statement of assignment thereof and if there is, giving the date and hour of filing of each such statement and the names and addresses of each secured party therein. The uniform fee for such a certificate shall be \$1.00 plus fifty cents for each financing statement and for each statement of assignment reported therein. Upon request the filing officer shall furnish a copy of any filed financing statement or statement of assignment for a uniform fee of fifty cents per page.

PART 5

DEFAULT

SECTION 9—501. *Default; Procedure When Security Agreement Covers Both Real and Personal Property.*

(1) When a debtor is in default under a security agreement, a secured party has the rights and remedies provided in this Part and except as limited by subsection (3) those provided in the security agreement. He may reduce his claim to judgment, foreclose or otherwise enforce the security interest by any available judicial procedure. If the collateral is documents the secured party may proceed either as to the documents or as to the goods covered thereby. A secured party in possession has the rights, remedies and duties provided in Section 9-207. The rights and remedies referred to in this subsection are cumulative.

(2) After default, the debtor has the rights and remedies provided in this Part, those provided in the security agreement and those provided in Section 9-207.

(3) To the extent that they give rights to the debtor and impose duties on the secured party, the rules stated in the subsections referred to below may not be waived or varied except as provided with respect to compulsory disposition of collateral (subsection (1) of Section 9-505) and with respect to redemption of collateral (Section 9-506) but the parties may by agreement determine the standards by which the fulfillment of these rights and duties is to be measured if such standards are not manifestly unreasonable:

- (a) subsection (2) of Section 9-502 and subsection (2) of Section 9-504 insofar as they require accounting for surplus proceeds of collateral;
- (b) subsection (3) of Section 9-504 and subsection (1) of Section 9-505 which deal with disposition of collateral;
- (c) subsection (2) of Section 9-505 which deals with acceptance of collateral as discharge of obligation;
- (d) Section 9-506 which deals with redemption of collateral; and
- (e) subsection (1) of Section 9-507 which deals with the secured party's liability for failure to comply with this Part.

(4) If the security agreement covers both real and personal property, the secured party may proceed under this Part as to the personal property or he may proceed as to both the real and the personal property in accordance with his rights and remedies in respect of the real property in which case the provisions of this Part do not apply.

(5) When a secured party has reduced his claim to judgment the lien of any levy which may be made upon his collateral by virtue of any execution based upon the judgment shall relate back to the date of the perfection of the security interest in such collateral. A judicial sale, pursuant to such execution, is a foreclosure of the security interest by judicial procedure within the meaning of this section, and the secured party may purchase at the sale and thereafter hold the collateral free of any other requirements of this Article.

SECTION 9—502. *Collection Rights of Secured Party.*

(1) When so agreed and in any event on default the secured party is entitled to notify an account debtor or the obligor on an instrument to make payment to him whether or not the assignor was theretofore making collections on the collateral, and also to take control of any proceeds to which he is entitled under Section 9-306.

(2) A secured party who by agreement is entitled to charge back uncollected collateral or otherwise to full or limited recourse against the debtor and who undertakes to collect from the account debtors or obligors must proceed in a commercially reasonable manner and may deduct his reasonable expenses of realization from the collections. If the security agreement secures an indebtedness, the secured party must account to the debtor for any surplus, and unless otherwise agreed, the debtor is liable for any deficiency. But, if the underlying transaction was a sale of accounts, contract rights, or chattel paper, the debtor is entitled to any surplus or is liable for any deficiency only if the security agreement so provides.

SECTION 9—503. *Secured Party's Right to Take Possession After Default.*

Unless otherwise agreed a secured party has on default the right to take possession of the collateral. In taking possession a secured party may proceed without judicial process if this can be done without breach of the peace or may proceed by action. If the security agreement so provides the secured party may require the debtor to assemble the collateral and make it available to the secured party at a place to be designated by the secured party which is reasonably convenient to both parties. Without removal a secured party may render equipment unusable, and may dispose of collateral on the debtor's premises under Section 9-504.

SECTION 9—504. *Secured Party's Right to Dispose of Collateral After Default; Effect of Disposition.*

(1) A secured party after default may sell, lease or otherwise dispose of any or all of the collateral in its then condition or following any commercially reasonable preparation or processing. Any sale of goods is subject to the Article on Sales (Article 2). The proceeds of disposition shall be applied in the order following to

- (a) the reasonable expenses of retaking, holding, preparing for sale, selling and the like and, to the extent provided for in the agreement and not prohibited by law, the reasonable attorneys' fees and legal expenses incurred by the secured party;
- (b) the satisfaction of indebtedness secured by the security interest under which the disposition is made;
- (c) the satisfaction of indebtedness secured by any subordinate security interest in the collateral if written notification of

demand therefor is received before distribution of the proceeds is completed. If requested by the secured party, the holder of a subordinate security interest must seasonably furnish reasonable proof of his interest, and unless he does so, the secured party need not comply with his demand.

(2) If the security interest secures an indebtedness, the secured party must account to the debtor for any surplus, and, unless otherwise agreed, the debtor is liable for any deficiency. But if the underlying transaction was a sale of accounts, contract rights, or chattel paper, the debtor is entitled to any surplus or is liable for any deficiency only if the security agreement so provides.

(3) Disposition of the collateral may be by public or private proceedings and may be made by way of one or more contracts. Sale or other disposition may be as a unit or in parcels and at any time and place and on any terms but every aspect of the disposition including the method, manner, time, place and terms must be commercially reasonable. Unless collateral is perishable or threatens to decline speedily in value or is of a type customarily sold on a recognized market, reasonable notification of the time and place of any public sale or reasonable notification of the time after which any private sale or other intended disposition is to be made shall be sent by the secured party to the debtor, and except in the case of consumer goods to any other person who has a security interest in the collateral and who has duly filed a financing statement indexed in the name of the debtor in this state or who is known by the secured party to have a security interest in the collateral. The secured party may buy at any public sale and if the collateral is of a type customarily sold in a recognized market or is of a type which is the subject of widely distributed standard price quotations he may buy at private sale.

(4) When collateral is disposed of by a secured party after default, the disposition transfers to a purchaser for value all of the debtor's rights therein, discharges the security interest under which it is made and any security interest or lien subordinate thereto. The purchaser takes free of all such rights and interests even though the secured party fails to comply with the requirements of this Part or of any judicial proceedings

(a) in the case of a public sale, if the purchaser has no knowledge of any defects in the sale and if he does not buy in

collusion with the secured party, other bidders or the person conducting the sale; or

(b) in any other case, if the purchaser acts in good faith.

(5) A person who is liable to a secured party under a guaranty, indorsement, repurchase agreement or the like and who receives a transfer of collateral from the secured party or is subrogated to his rights has thereafter the rights and duties of the secured party. Such a transfer of collateral is not a sale or disposition of the collateral under this Article.

SECTION 9—505. *Compulsory Disposition of Collateral; Acceptance of the Collateral as Discharge of Obligation.*

(1) If the debtor has paid sixty per cent of the cash price in the case of a purchase money security interest in consumer goods or sixty per cent of the loan in the case of another security interest in consumer goods, and has not signed after default a statement renouncing or modifying his rights under this Part a secured party who has taken possession of collateral must dispose of it under Section 9—504 and if he fails to do so within twenty-one days after he takes possession the debtor at his option may recover in conversion or under Section 9—507(1) on secured party's liability.

(2) In any other case involving consumer goods or any other collateral a secured party in possession may, after default, propose to retain the collateral in satisfaction of the obligation. Written notice of such proposal shall be sent to the debtor and except in the case of consumer goods to any other secured party who has a security interest in the collateral and who has duly filed a financing statement indexed in the name of the debtor in this state or is known by the secured party in possession to have a security interest in it. If the debtor or other person entitled to receive notification objects in writing within thirty days from the receipt of the notification or if any other secured party objects in writing within thirty days after the secured party obtains possession the secured party must dispose of the collateral under Section 9—504. In the absence of such written objection the secured party may retain the collateral in satisfaction of the debtor's obligation.

SECTION 9—506. *Debtor's Right to Redeem Collateral.*

At any time before the secured party has disposed of collateral or entered into a contract for its disposition under Section 9—504 or before the obligation has been discharged under Section 9—505(2) the debtor or any other secured party may unless otherwise agreed in writing after default redeem the collateral by tendering fulfillment of all obligations secured by the collateral as well as the expenses reasonably incurred by the secured party in retaking, holding and preparing the collateral for disposition, in arranging for the sale, and to the extent provided in the agreement and not prohibited by law, his reasonable attorneys' fees and legal expenses.

SECTION 9—507. *Secured Party's Liability for Failure to Comply With This Part.*

(1) If it is established that the secured party is not proceeding in accordance with the provisions of this Part disposition may be ordered or restrained on appropriate terms and conditions. If the disposition has occurred the debtor or any person entitled to notification or whose security interest has been made known to the secured party prior to the disposition has a right to recover from the secured party any loss caused by a failure to comply with the provisions of this Part. If the collateral is consumer goods, the debtor has a right to recover in any event an amount not less than the credit service charge plus ten per cent of the principal amount of the debt or the time price differential plus ten per cent of the cash price.

(2) The fact that a better price could have been obtained by a sale at a different time or in a different method from that selected by the secured party is not of itself sufficient to establish that the sale was not made in a commercially reasonable manner. If the secured party either sells the collateral in the usual manner in any recognized market therefor or if he sells at the price current in such market at the time of his sale or if he has otherwise sold in conformity with reasonable commercial practices among dealers in the type of property sold he has sold in a commercially reasonable manner. The principles stated in the two preceding sentences with respect to sales also apply as may be appropriate to other types of disposition. A disposition which has been approved in any judicial proceeding or by any bona fide creditors' committee or representative of creditors shall conclusively be deemed to be commercially reasonable, but this sentence does not indicate that any such approval

must be obtained in any case nor does it indicate that any disposition not so approved is not commercially reasonable.

ARTICLE 10

EFFECTIVE DATE AND REPEALER

SECTION 10—101. *Effective Date.*

This act shall become effective at 12:01 a. m., January 1, 1968. It applies to transactions entered into and events occurring after that date.

SECTION 10—103. *General Repealer.*

All acts and parts of acts inconsistent with this Act are hereby repealed.

Approved the 5th day of May, 1966

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